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Agrahayana 11, 1882 (Saka)

LOK SABHA DEBATES

Twelfth Session

LOK SABHA SECRETARIAT
New Delhi

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GMGIPND—LS III—1545 (Ai) LS—19-12-60—901.

LOK SABHA

Friday, December 2, 1960/Agrahayana 11, 1882 (Saka).

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Implementation of Election Commission Recommendations

*636. **Shri D. C. Sharma:** Will the Minister of Law be pleased to refer to the reply given to Starred Question No. 483 on the 17th August, 1960 and state the up-to-date progress made in regard to the implementation of the recommendations of the Election Commission?

The Minister of Law (Shri A. K. Sen): The recommendations of the Election Commission contained in the Report on the Second General Elections, which have been implemented up-to-date were enumerated in the answer to Starred Question No. 127 in this House on the 5th August, 1959. They are in brief:—

(1) Deletion of section 55A of the Representation of the People Act, 1951, relating to retirement of candidates (Recommendation No. 5);

(2) Prompt information to the Election Commission by a Tribunal or Court of any order declaring an election to be void (Recommendation No. 15);

(3) Amendment of section 61 of the 1951 Act and the framing of rules under the 1950 Act for the purpose of checking impersonation by the issue of identity cards to voters within selected constituencies in municipal areas (Recommendation No. 19);

(4) Amendment of section 158 of the 1951 Act, clarifying the provisions as to forfeiture of of deposits of candidates at elections held in accordance with the system of proportional representation by means of the single transferable vote (Recommendation No. 12).

In addition to the implementation of the above recommendations contained in the Report on the Second General Elections, a new set of rules known as the Registration of Electors Rules, 1960, was issued on the 10th November 1960 at the specific suggestion of the Election Commission in supersession of the existing rules of 1956 relating to the preparation of electoral rolls. These new rules provide for a simpler procedure for the registration of electors and will come into force on the 1st January, 1961. A copy of these rules was laid on the Table of the House on the opening day of the session.

Shri D. C. Sharma: In what municipal area has the experiment of identity cards been tried and how far has it been successful?

Shri A. K. Sen: It was tried only in one part of the Calcutta municipal area in the last by-election from the Calcutta South West parliamentary constituency. I suppose the hon. House is aware as a result of my answers to previous questions on the point that the results and the experience of the Election Commission have not been such as would warrant the extension of that in the rest of the Calcutta municipal area or in other municipal areas. On the contrary, I think the line of thinking which is now finding favour with the Election Commission is one against continuing this system of identity cards but for concentrating on a thorough revision of the electoral rolls of each constituency so as to eliminate all erroneous inclusions or omissions and so as to ensure a proper election on the basis of as perfect an electoral roll as possible.

Shri D. C. Sharma: May I know if the new procedure laid down by the Election Commission with regard to the registration of electors is being practised now and, if not, when will it be practised and what are the good *results to be obtained from it?*

Shri A. K. Sen: The next revision will be according to that procedure. The revision is annual as the hon. Member is aware. I think the next annual revision starts some time in the beginning of the next year.

Shri Tangamani: Regarding the question of preventing retirement after the withdrawal date, the provision in the 1951 Act has been suitably amended. But I would like to know the steps that are being taken to implement the recommendations regarding the forfeiture of deposits in the case of proportional representation by a single transferable vote.

Shri A. K. Sen: The Act will be followed if it is mandatory. It is not a question of implementing it.

Shri Tangamani: I would like to know whether the Act has been amended accordingly.

Shri A. K. Sen: It is amendment of section 158. We have the provision now. We have done it. Hon. Members are aware that we have done it in this House.

Shri Hem Barua: May I know whether it is not a fact that the Election Commission is at mental crossroads at present as to whether to introduce this system of identity cards in the next general election or not because it involves a heavy expenditure and because the experiment of Calcutta was not very successful?

Shri A. K. Sen: As regards the mental crossroads, I suppose the hon. Member possibly is aware more of the working of the mind of the Election Commission than ourselves. We can only say what its expressed views are instead of expostulating on the mental thought process of the Election Commission.

Mr. Speaker: Those are all processes . . . .

Shri A. K. Sen: Those are all processes about which we are not at liberty to speculate, but hon. Members opposite are. It is certainly one of the factors which the Election Commission has taken into account in deciding against extension of this system, namely, that the expenses incurred for applying this procedure in all municipal areas would not be commensurate with the results achieved.

Shri Hem Barua: What about the experiment at Calcutta?

Shri A. K. Sen: As I said, they feel that the same results could be achieved by less expensive procedures.

Shri Vajpayee: May I know whether the Election Commission had considered the desirability of not altering or delimiting constituencies just on the eve of elections and whether Government have given thought to the problem keeping in view the delay that is taking place in taking a decision about abolishing double-member constituencies?

Shri A. K. Sen: The hon. Member is aware that so far as general seats or other seats are concerned, delimitation takes place only after the results of each census operation become known. So far as the question of delimiting double-member constituencies which exist at present is concerned, that will only arise if the House takes a decision to bifurcate the existing double-member constituencies and for creating single-member reserved constituencies in their place. It is only after that decision of the House that that question will become relevant. If the House decides against it, there will be no question of delimitation of single-member reserved constituencies. If the House decides in favour of it, there will have to be a delimitation of single-member constituencies.

Mr. Speaker: Next question.

Several Hon. Members *rose*—

Mr. Speaker: We do not proceed with one question. Eight or nine questions seem to be too low.

Shri Vajpayee: This is an important question. The Government is not in a position to take a decision on the abolition of double-member constituencies. We are afraid that a decision will be taken on the eve of the election so as to disturb the constituencies.

Mr. Speaker: Hon. Members may discuss any important matter in this House. This won't be decided on a question. Even if I allow all supplementaries for the whole hour, there will be difficulty.

Shri Braj Raj Singh: They are wavering. They have not yet taken a decision.

Mr. Speaker: I would request hon. Members to do this. Hon. Members insist on hon. Ministers being present here with respect to all questions. They are waiting here. Of course, they can do other work outside. There is no knowing when any question will be called. I do not say we can give a guarantee to them. But, if day after day, we get through only 8 or 9 questions and each question becomes a discussion and a debate, there is no purpose in having the half-an-hour discussion. I myself suggest very often, let us have a discussion. Other hon. Members can always exercise that right. I do not find hon. Members coming forward with respect to that matter, except what happened last session. Some hon. Members tabled a motion. It was too late. I appreciate hon. Members who are alert. I am appealing to all hon. Members to take advantage of this position. If it is an important question, I will certainly allow discussion on such matters as this—implementation of this and what is going to happen. I would like hon. Members to know as early as possible in this House whether there is going to be single-member constituencies or plural constituencies. The minds of all hon. Members including all Members in the right or left or in the centre, are agitated as to what is going to happen and which is to be their constituency. Therefore, the sooner a decision is taken or a decision is taken that nothing is to happen, in the interests of all, we must know it. I will allow a discussion on this matter soon after an announcement is made.

Shri Braj Raj Singh: A two-hour discussion.

Mr. Speaker: Two hours or two days, I have no objection.

Shri Tyagi: One matter can be clarified. In any contingency, may I take it that the elections at least would not be postponed?

Mr. Speaker: Not question. If the elections have to be postponed, they have to come to this House. Why are hon. Members forfeiting their rights?

Industrial Credit and Investment Corporation of India

\+

*637. { **Shrimati Ila Palchoudhuri:** / **Shri Ramji Verma:**

Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the Industrial Credit and Investment Corporation has exhausted the two previous credits amounting to 20 million dollars extended to it by the World Bank in March 1955 and July 1959;

(b) whether it is also a fact that negotiations are in progress for securing further credits from the Development Loan Fund of the U.S.A. Government and the World Bank;

(c) if so, the details of the credit sought for; and

(d) the stage at which the negotiations have reached?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) The Industrial Credit and Investment Corporation of India has already fully

utilised its first loan. The second loan is also expected to be fully utilised shortly.

(b) to (d). Negotiations with the World Bank for a third credit of $20 million have already been concluded and an Agreement signed on October 28, 1960. The period of this loan is 10 years. The rate of interest will vary with each portion of the loan withdrawn from time to time for specific projects and will be the same as the rate applicable to new Bank loans at that time.

The Development Loan Fund of the U.S.A. has announced its intention to give a loan of $5 million to the I.C.I.C.I. Details of the loan agreement are being settled.

Shrimati Ila Palchoudhuri: May I know whether the D.L.F. loan of 5 million dollars will be an untied or tied loan for purchases in the U.S.A.?

Shri B. R. Bhagat: The D.L.F. loan, according to the new policy that they have announced, is generally for purchases in the U.S.A. Originally, it was for purchases on a global tender basis. Now it is for purchases in the U.S.A. But, to suit our difficulties, they have made a relaxation that some portion of it may be purchased outside and some portion in the U.S.A. But, that would be decided when we negotiate the specific terms.

Shrimati Ila Palchoudhuri: May I know what is the difference between the interest that we realise from the industries to which we give the loan and the interest that we pay to the World Bank or I.C.I.C.I. or whatever it is, and whether there is any difference?

Shri B. R. Bhagat: Loans to the I.C.I.C.I. is only for the private sector industries. Whatever interest will be paid is to be paid by the contracting parties which get the loan.

Shri Damani: May I know whether the rate of interest on advances made to the different parties is the same or it differs, and if it differs, what is the reason and on what ground, the rate of interest differs?

Shri B. R. Bhagat: I have not got here the details of the rate of interest for each party. The rate of interest varies with the terms, the period and the project also.

Shri Tyagi: What is the total amount of credit advanced to the I.C.I.C.I. May I know whether the interest due from them is being punctually paid back and as my hon. friend enquired, whether the I.C.I.C.I. pays the interest that we are required to pay to the foreign countries or whether it is more than what we are required to pay on their behalf?

Shri B. R. Bhagat: Who are required to pay?

Shri Tyagi: For the loans we undertake from the foreign countries, we stand guarantee for payment.

Shri B. R. Bhagat: First, as I said, so far as the first question is concerned, the total amount of loans advanced to the I.C.I.C.I. is: the first loan is for 20 million dollars; we are negotiating another loan of 20 million dollars now; in addition to this, another 5 million dollars we are expecting from the D.L.F. This is the total. So far as the rate of interest is concerned, the question of our paying does not arise, because this loan is directly to the I.C.I.C.I. They pay the rate of interest. We do not pay interest.

Shri Tyagi: The I.C.I.C.I. realises some rate of interest from the industries. I want to know whether that money realised from year to year is just enough to pay back the interest on the loans which the I.C.I.C.I. has on our guarantee.

Shri B. R. Bhagat: To the parties to whom the I.C.I.C.I. gives, it does not give loan capital. It subscribes in the share capital of those parties. No question of taking interest from the party arises because the I.C.I.C.I. subscribes and it is a partner in the share capital.

Shri Tyagi: It does not give loans?

Shri B. R. Bhagat: No.

Shri V. P. Nayar: In view of the fact that the D.L.F loans and also the World Bank loans carry a higher rate of interest from 4 to 6 per cent and in view of the fact that loans are available at 2½ per cent from some other countries, I want to know whether during the negotiations....

Mr. Speaker: No, no.

Shri V. P. Nayar: .... the Government are making any efforts to get the interest rate reduced?

Shri B. R. Bhagat: From whom?

Shri V. P. Nayar: From the D.L.F. and the World Bank.

Mr. Speaker: No, no. How does it arise?

Shri V. P. Nayar: With reference to part (b), I want to know whether the Government put forward....

Mr. Speaker: The later portions are ancillary to the earlier portions. The question is: whether it is a fact that Industrial Credit and Investment Corporation has exhausted the two previous credits....

Shri V. P. Nayar: Part (b): whether negotiations are ....

Mr. Speaker: ....whether negotiations are in progress for securing further credits from the Development Loan Fund of the U.S.A. and World Bank. Yes or no.

Shri V. P. Nayar: I am specifically asking whether...

Mr. Speaker: No, no. Hon. Members pick up one question put by some hon. Members. Other hon. Members are waiting. They are never called. I would like to know this. I thought, to avoid further supplementaries, of getting all the answers printed. If the House is in favour of it, I am prepared to do so.

Some Hon. Members: Yes.

Mr. Speaker: In the House of Commons, they do not do so. They dispose of as many as 50 to 60 questions. There is an advantage, there is a disadvantage. If answers are printed, possibly hon. Members may come prepared with supplementaries. If they are printed, the excitement of getting answers and then putting questions disappears. There is something which must be new; otherwise, it will become dull. These are two aspects of it. I have nothing to say in the matter. If they want it to be printed, I will consider the matter. That is not being done now.

श्री म० ला० द्विवेदी : हमें प्रिंटेड आन्सर चाहिए ।

Shri Tyagi: It would be a good idea if printed answers are given.

Mr. Speaker: Hon. Members are aware that with respect to statements copies are supplied, but even on the details of the statement I find question after question is asked. I am not able to distinguish. When I call this side, hon. Member says the opposition is not called, they are ignored. This is the difficulty I experience. Secondly, how many supplementaries shall I allow?

Shri Hem Barua: Legitimate.

Mr. Speaker: Legitimate means one supplementary or two supplementaries to the questioner and one more supplementary or at the most two other supplementaries. I am sitting here the whole hour, and as long as the House sits. Therefore, it is none of my concern, I will go on allowing one supplementary after the other. It is in the interests of the House to see it regulated. Let them consider it and tell me tomorrow. I am not forcing them now. Let them tell me whether we should get through as many questions as possible or not, because I find now it is first come first served, however unimportant the first question may be. Of course, all hon. Members come prepared, that is a very good indication. They read almost every question, that is a good factor, but when we come to the tail end, important questions are left out.

That is what I feel. Hon. Members will consider it.

I wish to have the opinion of responsible group leaders as to what they think. Every hon. Member need not tell me. I will call the leaders of the group and ask them about these two matters; firstly, whether I should have them printed and published; secondly, how many supplementary questions should be allowed. These are two matters on which I would like to have their advice.

Shri Tyagi: Nobody has questioned your discretion. You are using it quite fairly, and I must say you know better than many of us do which question requires attention. I think it must be left to your discretion.

Shri Nath Pai *rose—*

Shri Ranga: Shall we have a discussion on that now?

Shri Nath Pai: No discussion.

So far as the number of supplementaries is concerned, my submission is that it is entirely in the discretion of the Chair, but to limit the number to one or two will be primarily defeating the very purpose of asking the quesion because evasive answers will be written and given. The only way of eliciting information from the Treasury Benches is by pinning them, with the help of supplementaries. The number should be left to your discretion, but if you limit to one or two, the whole purpose of the Question Hour will be defeated.

Shri Jaipal Singh: May I, on behalf of my group, give the first opinion? There is no doubt whatever that if the answers were printed, there will be a tremendous economy in time; many more supplementaries would thereby become admissible, and this kind of reading out answers in four, five different languages will also be obviated. The Question Hour would gain in importance which it has not gained so far.

Shri S. M. Banerjee *rose—*

Mr. Speaker: Which group does he represent?

Shri S. M. Banerjee: You will admit, Sir, I table many questions and take much pains. If the answers are printed, I am afraid that many Members who are satisfied with those answers and who do not know the supplementaries that will follow will not come here at all, and again you will be confronted with the serious question of quorum.

Mr. Speaker: Shri V. P. Nayar may put his question.

Shri V. P. Nayar: My question was whether Government, in the course of the negotiations in progress mentioned by the hon. Deputy Minister, has taken steps to get the interest rate on the DLF and World Bank loans reduced in view of the fact that we are paying a very high rate of interest as compared to loans from other countries?

Shri B. R. Bhagat: We do not think that the interest rates are high, and no steps to reduce them are necessary. So far as the World Bank is concerned, it charges the interest rate prevalent in the market, because it borrows from the world market and pays a certain rate of interest. The interest rate that it charges from its clients is based on that. In regard to the DLF loan, the rates are not very high. So, there is no question of going and asking for a reduction in the rates.

Shri V. P. Nayar: Ordinarily, what is the rate of interest paid on DLF loans as compared to the loans, for example, from the Soviet Union?

Shri B. R. Bhagat: The two rates are not comparable.

Shri V. P. Nayar: Why?

Shri B. R. Bhagat: The terms are different, the period is different. For example, the Soviet loan is for 12 years, but the DLF loan is for 30 to 40 years. The rate of interest is 2½ in the one case, and 3 or 3½ in the other, but

the period is quite long in the case of the latter, and there are other advantages too. I do not want to make this comparison, and I do not consider the one or the other reasonable or unreasonable.

May I amplify the answer that I gave to Shri Tyagi. He asked about the interest that the ICICI pays. I said that the ICICI participtes in the share capital, or underwrites, so far as the rupee expenditure is concerned. But these loans are to meet the foreign exchange component of the projects; they go as assistance of loans, on which they charge a rate of interest, but that is not comparable to the rate of interest which they themselves pay.

Shri N. R. Muniswamy: May I know whether this loan is earmarked for any specific projects, and if so, what those projects are? May I know whether the Government of India is given any authority to divert this loan for some other important projects?

Shri B. R. Bhagat: All projects are approved by the Government of India, and therefore they all go towards implementation of the Plan. There is no question of diverting it because they have been approved by us. Some of the projects I can name—the Cable Corporation, the Ahmedabad Calico Printing and Manufacturing Co., the Indian Oxygen Co., Atul Products etc. It goes to the private sector, but all are approved projects.

Shri Damani: Part of my question has been covered. I wanted to know the details of the industries to which the loan has been advanced and the priorities given for particular industries.

Shri B. R. Bhagat: There is a list here. In the first loan 14 plus 5, 19 industries have been given. If the hon. Member wants, I can lay this statement on the Table of the House.

Mr. Speaker: Very well, let him do so.

Next question. I will proceed a little rapidly today.

Grants to Ministries

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*638. **Shri Wodeyar:**
Shri P. G. Deb:
Shri S. A. Mehdi:
Shri Damani:

Will the Minister of **Finance** be pleased to state:

(a) whether it has been decided that unspent amount allotted to Ministries should not lapse after the financial year; and

(b) if so, what new formulae have been adopted?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) No, Sir.

(b) Does not arise.

Shri Wodeyar: May I know the total unspent amount allotted to the Ministries in the Financial Year?

Shri B. R. Bhagat: Unspent amount for which year?

Shri Wodeyar: Present financial year.

Shri B. R. Bhagat: The year is not yet out.

Shri Wodeyar: Last year.

Shri B. R. Bhagat: These are given in the budget estimate when we present the Budget.

Mr. Speaker: He wants for the year ended on 31st March, 1960. It does not appear there in the Budget. When the statement of expenditure is placed, it is only an estimate of expenditure. The actuals are not given. Along with the Budget of 1960-61, the revised estimates of 1959-60 and the actuals of 1958-59 are given. He wants the actuals so far as this matter is concerned for the financial year ended on 31st March, 1960. It does not appear in the Budget papers.

Shri B. R. Bhagat: It will appear next time.

Mr. Speaker: No, no. He wants it immediately. The hon. Minister may say he has or he has not the figures,

but he cannot ask him to wait for six months more.

Shri B. R. Bhagat: Just now I do not have the figures.

श्री मा० ला० द्विवेदी : मैं जानना चाहता हूं कि क्या यह बात सच है कि मिनिस्ट्रीज को जो ग्रान्ट्स दी जाती हैं वित्त मंत्रालय और दूसरी जगहों पर देर लग जाने की वजह से साल के अन्त में जाकर ग्रान्ट्स मिलती हैं और जिसका कि नतीजा यह होता है कि अन्त में मिनिस्ट्रीज अनाप शनाप खर्च कर डालती हैं और बाज वक्त सारा खर्चा नहीं कर पातीं तो क्या वित्त मंत्रालय कोई ऐसा प्रबन्ध कर रहा है कि इस किस्म की दुर्व्यवस्था खत्म हो जाय ?

श्री ब० रा० भगत : जी हां, इस संबंध में हमने आवश्यक सर्कुलर्स भेजे हैं कि साल के अन्त में इस तरह से जल्दबाजी में कोई खर्च न किया जाय और कोई मंत्रालय ऐसा अनाप-शनाप खर्च करता है तो उसको हम फाइनेंशियल इर्रेगूलरटी मानते हैं । उसके लिए हमने एक सूरत निकाली है कि बजट में भी कोई भी आइटम ऐसा न रक्खा जाय जिसके कि बारे में कोई डिटेल्स एस्टिमेट न हो और पूरी छान बीन करके आइटम रक्खा जाय । साल के दौरान में बाद में अगर मिनिस्ट्रीज को और खर्च की जरूरत पड़ती है तो उसके लिए हम उनको सप्लीमेंटरी ग्रान्ट्स की तौर पर देते हैं । अगर कोई खर्चा रह जाय और जरूरत पड़ जाय तो अगले बजट में हम उसे प्रोवाइड कर देते हैं ।

Mr. Speaker: Shri Damani.

श्री म० ला० द्विवेदी : मंत्री महोदय क्या उस सर्कुलर की एक कौपी हाउस की टेबुल पर रक्खेंगे ।

Mr. Speaker: Order, order. I have called Shri Damant.

Shri Damani: May I know whether the question of shifting the budget time to October is being considered, so that many uncertainties as a result of monsoon etc. may be overcome, as suggested by the Estimates Committee?

Mr. Speaker: He only wants to know the reasons or the causes for such lapsing, and whether, to avoid such lapsing, there is any proposal to shift it to October.

Shri B. R. Bhagat: It is not under contemplation to shift the financial year to October. But, so far as the question of preventing lapse is concerned, we have taken certain measures, so that there is a detailed scrutiny of each item before it is included in the budget. Also, there is a quarterly check over the progress of the expenditure. In various big items such as capital items, a monthly estimate of the expenditure is made, so that at the end of the year, there is no rush for expenditure, and we know right from the beginning whether expenditure is being incurred at a very slow pace leading to either surplus or lapse of funds.

Civilians in Border Areas

*639. **Shri S. M. Banerjee:** Will the Minister of **Defence** be pleased to state:

(a) whether civilian employees sent to border areas are given some extra allowance;

(b) if so, the quantum of such extra allowance; and

(c) the other facilities given to them, if any?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) to (c). No extra allowance or other facilities are given to civilians under the Defence Ministry posted to border areas other than Jammu and Kashmir. The question of the grant of certain concessions and other facilities to such personnel is, however, under examination.

I believe the hon. Member has in mind civilian employees employed in road construction work in the border areas, who constitute the general reserve engineering force, who are paid out of the Ministry of Transport funds; certain concessions are being given to them.

Shri S. M. Banerjee: Many civilian employees working in the MES have volunteered their services for the NEFA area. May I know the number of such employees, and whether their request has been met?

Shri Raghuramaiah: I am afraid that question does not arise out of the main question. If a separate question is put, I shall furnish such information as is possible.

Shri Bhakt Darshan: May I know why when this border road reserve was formed, a decision was not taken at that time about the border allowance to civilian employees also?

Shri Raghuramaiah: I have already stated that so far as civilians employees in border road construction are concerned, they are given certain concession. I have already stated that.

श्री पद्म देव : क्या यह सत्य है कि बौरडर्स में जो मिलेटरी और सिविल पुलिस तैनात की गई है उन दोनों के भत्ते में बड़ा भारी अन्तर है, पुलिस को मिलेटरी की अपेक्षा भत्ता कम मिलता है हालांकि वह भी काम वही करती है जो कि मिलेटरी करती है ?

Shri Raghuramaiah: This question does not concern the military. It concerns civilians employed in the construction of roads. So, there is no comparison with the police.

Shri P. C. Borooah: May I know whether the civilian employees engaged for work in the border areas will be recruited from the border States?

Shri Raghuramaiah: Recruitment is from all places, from wherever they are available.

Shri Hem Barua: In view of the fact that the Border Road Development Board has been constituted with the Prime Minister as its chairman and the Defence Minister, I suppose, as its deputy chairman, for road construction work in the border areas, why is it that this matter of giving certain extra allowances for the civilian workers in those areas was not considered?

Shri Raghuramaiah: I have already stated that concessions are being given to civilians employed in the construction of roads. If the hon. Member is interested, I can read out those concessions.

Mr. Speaker: It is not necessary.

Shri Hem Barua: I am not interested in that. I want to know whether besides the concesisons, any extra allowances are paid to the civilians working there, because it is a tough job there.

Mr. Speaker: The hon. Member wants to know whether any border allowances have been given to them for having gone there.

Shri Raghuramaiah: So far as civilians employed in the construction of roads are concerned, who constitute the general reserve engineering force, they are being given free ration, free single accommodation with lighting and domestic water supply, free medical treatment for the employee only, free facility for remittance of money to families, subject to a maximum of two remittances per month, outfit allowance for officers, and so on; free uniforms are also provided; and in addition, there is a deputation allowance of 20 per cent. of basic pay subject to a maximum of Rs. 300 for personnel on deputation, on fulfilment of certain conditions, and as an alternative to this, a special compensatory allowance.

Shri B. K. Gaikwad: May I know the number of such employees sent to the border areas, and also how much Government have spent by way of extra allowances to them?

Shri Raghuramaiah: It would not be in public interest to disclose the number of civilian workers engaged in this work.

Shri Nath Pai: May I know whether it is a fact that in spite of the fact that the Border Road Development Board is presided over by the Prime Minister as chairman, and in spite of the fact that those concessions are being made available, the road construction programme is not going on according to schedule, and after an initial burst of enthusiasm and energy, it has slackened down.

Shri Raghuramaiah: The answer is 'No'.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I do not think it is correct to say there is slowing down in the tempo of work. There was some delay, because some big equipment for this road-making had not been received. Also, there was a certain revision of what I might call the first category roads and second category roads. Some in the second category, at my suggestion, were left over for the moment, so as to concentrate on the first category roads.

Shri Ranga: Are Government satisfied that these concessions that have been given are attractive enough to induce a sufficiently large number of civilians to go and volunteer to work there?

Shri Jawaharlal Nehru: How can I answer that question about my satisfaction? To our satisfaction, we have given certain concessions. I do not, at the moment, know frankly what they are, but the work is going on; I have received no complaints. If there is any major complaint, we shall examine the matter, and we shall consider.

हिमालय पर्वतारोहण संस्था

*६४०. **श्री भक्त दर्शन :** क्या प्रतिरक्षा मंत्री १७ अगस्त, १९६० के तारांकित प्रश्न संख्या ४५४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) दार्जिलिंग स्थित हिमालय पर्वतारोहण संस्था के द्वारा पर्वतारोहण को प्रोत्साहन देने के लिये जो सुविधायें देने का निश्चय किया गया था ; उन के प्रचार व प्रकाशन की क्या व्यवस्था की गई है ;

(ख) अब तक किन-किन स्थानों की संस्थाओं या व्यक्तियों ने ऐसी सहायता की मांग की है ; और

(ग) उनमें से प्रत्येक को कितनी-कितनी सहायता दी जा चुकी है या देने का विचार है?

प्रतिरक्षा उपमंत्री (सरदार मजीठिया) : (क) से (ग). एक विवरण सभा के पटल पर रख दिया गया है । [देखिए परिशिष्ट २, अनुबन्ध संख्या ६५]

श्री भक्त दर्शन : श्रीमान्, इस विवरण में बतलाया गया है कि ९ संस्थाओं ने हिमालियन माउंटेनियरिंग इंस्टीच्यूट से सहायता की मांग की थी तो उनको क्या सहायता दी गई है यह नहीं बताया गया है?

सरदार मजीठिया : इन नौ संस्थाओं ने जो सहायता मांगी थी उसमें से एक यह थी कि जो इंस्ट्रक्टर्स हैं हमारे वे उनके पास गये और इन में से दो, तीन बम्बई, सौगार और जबलपुर में कोई ३०० के लगभग जो स्टूडेंट्स थे उन्होंने उन से शिक्षा ली।

श्री भक्त दर्शन : इस संस्था या इन संस्थाओं को इस इंस्टीच्यूट की ओर से जो सहायता दी जा रही है वह क्या केवल कागजी सलाह मशविरे तक ही सीमित है या उनको कुछ रुपये की भी सहायता देने का इंतजाम किया जा रहा है?

सरदार मजीठिया : कागजी तो नहीं है। उनको काफी मदद दी जाती है । इंस्ट्रक्टर्स

भेजे जाते हैं और वे इंस्ट्रक्टर्स उनको पहाड़ों पर चढ़ना सिखाते हैं ।

श्री म० ला० द्विवेदी : ब्यान में लिखा है

A few expeditions have been assisted with such equipment as could be made available by the Himalayan Mountaineering Institute.

मैं जानना चाहता हूं कि क्या एक्विपमेंट्स वगैरह के लिए सरकार से कोई आर्थिक सहायता मिलती है अन्यथा यह संस्था किस प्रकार से इस काम को पूरा कर सकती है ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : इस संस्था को कई जरियों से सहायता मिलती है । सेंट्रल गवर्नमेंट की दो मिनिस्ट्रीज हैं जिनसे कि इसको सहायता मिलती है । सब में बड़ी तो डिफेंस मिनिस्ट्री सहायता देती है और दूसरी हमारी साइंटिफिक रिसर्च एंड कलचरल एफेयर्स की मिनिस्ट्री भी कुछ सहायता देती है क्योंकि उसे इन मामलों से कुछ दिलचस्पी है । वैस्ट बंगाल गवर्नमेंट कुछ अलग मुस्तकिल सहायता देती है । यह तो एक मुस्तकिल मदद है और जरा बड़ी रकम है । इसके अलावा कई और हुकूमतें जैसे आपने कहा पंजाब और कई और गवर्नमेंट्स थोड़ी बहुत सहायता देती हैं । इस तरह से उनको काफी सहायता मिलती है और वाक्या यह है कि जो उनका बजट बनाते हैं और जो कमी होती है वह सहायता भी देते हैं । इसलिए उसमें कमी का कोई सवाल नहीं है । उनको पूरा मिलता है जितनी मदद मांगते हैं उतनी ही उनको मिल जाती है । जब वे अपने सिखाने वालों को, ट्रेनर्ज को, भेजते हैं और किसी स्टेट, में तब यह उस स्टेट का काम है कि उन का बन्दोबस्त करे और कैम्प का खर्च वगैरह अदा करे ।

Shri Jaipal Singh: With your permission, may I supplement the information that has been given by the two Ministers: The point is—it is rather important and I think that is what the House is looking for—that recently the All India Council of Sports has appointed a Sub-Committee under the Chairmanship of General Thimayya who also, as you know, is associated with the Himalayan Mountaineering Institute. The terms of reference of this Sub-Committee are such as go to develop mountaineering amongst our people, boys and girls, to begin with at the University stage. They have, for example, at Jabalpur a Mountaineering Club for Girls. We have asked the All India Sports Council to encourage climbing high mountains. The idea is that it is part of Bharat Darshan where the people instead of knowing only about plains and big cities come to learn about mountains and develop a lust for climbing high mountains.

श्री भक्त दर्शन : हमारे प्रधान मंत्री जी माउनटनियरिंग के बारे में जो दिलचस्पी ले रहे हैं, उस के लिये धन्यवाद है और माउनटेनियरिंग इंस्टीट्यूट को बहुत रुपया दिया जा रहा है । मेरे प्रश्न का मतलब यह है कि बहुत सी संस्थायें रुपये की कमी की वजह से काम को आगे नहीं बढ़ा पा रही हैं । मैं यह जानना चाहता हूं कि क्या कोई ऐसी स्कीम सरकार के विचाराधीन है कि इंस्टीट्यूट की ओर से, या बराहे-रास्त केन्द्रीय सरकार की ओर से, उन को सहायता दी जाये, ताकि उन का काम आगे बढ़ सके ।

श्री जवाहरलाल नेहरू : और संस्थायें या माउनटेनियरिंग इंस्टीट्यूट ?

श्री भक्त दर्शन : और संस्थायें ।

श्री जवाहरलाल नेहरू : और संस्थाओं के बारे में मैं क्या जवाब दूं । माउनटेनियरिंग इंस्टीट्यूट को हम पूरी सहायता दे रहे हैं । जहां तक और संस्थाओं का ताल्लुक है, वे कौन हों, कहां हों, उन को क्या दिया जाये, यह अलग सवाल है ।

Durgapur Steel Plant

*641. **Shri Ram Krishan Gupta:** Will the Minister of **Steel, Mines and Fuel** be pleased to refer to the reply

given to Starred Question No. 581 on the 20th August, 1960 and state:

(a) whether the findings of the Committee appointed to investigate into the matter of defective pile foundations put up at the Durgapur Steel Plant have been examined: and

(b) if so, the results thereof?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). The findings of the Committee of Engineers have not yet been fully examined. However some of the tests suggested by the Committee have already been carried out and these tests have not disclosed any unsatisfactory feature. The remaining tests are being carried out.

Shri Ram Krishan Gupta: In reply to a previous question, the hon. Minister said that payment to be made to the Iron and Steel Works Construction Company was being revised and suitable adjustments would be made. May I know what action has been taken so far in this matter and what is the result of the revised estimate?

Sardar Swaran Singh: I would invite the attenion of he hon. Member to a reply to a supplementary question given by me on the 20th August, 1960 where I had stated that an *ad hoc* deduction of Rs. 10 lakhs had been made from payment due to ISCON. The final agreement has not yet been formally executed, but I would like to reiterate that ISCON have already agreed to carry out all remedial measures at their own cost and to rectify at their own expense any damage to the works caused by settlement of foundations containing bored pipes for a period of ten years.

Shri S. M. Banerjee: The hon. Minister has said that ISCON have agreed to do everything at their own cost. I want to know whether Government have been able to assess the damage done and amount required for actual reconstruction or rectification of the damage.

Sardar Swaran Singh: It was not necessary because they were themselves to rectify it at their own cost.

Shri S. M. Banerjee: The question of payment was raised by Shri Ram Krishan Gupta and he was told by the hon. Minister that payment would not be made unless the whole thing was investigated. If we are unable to assess even the loss, what is to be made good, how are we going to get it done?

Sardar Swaran Singh: I think the hon. Member who is generally vigilant has not cared to follow the reply carefully. What I said was that whatever is the defect, ISCON have agreed to rectify it at their own cost. Therefore, no question of estimate arose. Then I said that they have undertaken the further responsibility that if any loss occurs to the works in the course of ten years, they will rectify it. He wants me to give an estimate of what is likely to be the loss in the course of ten years. My hope is that there will be no loss.

Shri Nath Pai: The defective foundations were bound to lead to delay in the completion of the works and, therefore, in production of steel. We had at an earlier stage pointed out that a single day's delay in the completion means a loss of about Rs. 15 lakhs. May I know whether ISCON are going to cover that loss also which has resulted from the delay in construction consequent on the defective foundations discovered?

Sardar Swaran Singh: We were all unhappy at this defective piling. But luckily this has not affected the construction schedule.

ब्रिटेन द्वारा विदेशी मुद्रा का ऋण

*६४२. { श्री साधन गुप्त :
श्री रघुनाथ सिंह :
श्री प्र० के० देव :

क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या ब्रिटेन ने भारत को विदेशी मुद्रा की कठिनाइयों का सामना करने के लिये ५० लाख पौंड का ऋण देने का निश्चय किया है ; और

(ख) क्या दूसरी अथवा तीसरी पंचवर्षीय योजना के लिये कोई और ऋण मिलने की आशा है ?

वित्त उपमंत्री (श्री ब० रा० भगत) : (क) और (ख). वित्त मंत्री की हाल की विदेश-यात्रा के बारे में २१ नवम्बर, १९६० को सभा की मेज पर उन का जो वक्तव्य रखा गया था उस के पैरा ५ और तारांकित प्रश्न संख्या ३०१ के उसी दिन दिये गये, उत्तर की ओर ध्यान दिलाया जाता है ।

(a) and (b). Attention is invited to paragraph 5 of the statement of the Finance Minister on his recent visit abroad which was laid on the Table of the House on the 21st November, 1960 and the reply given to Starred Question No. 301 on the same day.

Shri Sadhan Gupta: What is the purpose to which the credit will be allocated?

Shri B. R. Bhagat: It is an untied credit which will go to meet the needs of our capital imports.

Shri Hem Barua: Is it a fact that U.K. have advanced a £ .30 million loan to this country? If so, has it been described by the British Treasury as an initial act of assistance? If it has been described like that, is there any prospect of further financial assistance from U.K.?

Shri B. R. Bhagat: It is not £.50 million, but £.5 million. For the Third Five Year Plan, U.K. have agreed by way of initial assistance to make a further loan amounting to £.30 million for orders placed in U.K. Also another £.20 million (roughly) for the proposed extension of the Durgapur Steel Works has been agreed to. So in addition, this credit is also to be extended.

Shri Tyagi: Out of the £.5 million which is stated to have been advanced, how much will go towards repayment of our loan instalments and interest and how much will be available to meet the deficit trade balance?

Shri B. R. Bhagat: The whole of it will go to meet the neds of import of capital goods, not for repayment.

Shri Sadhan Gupta: May I know the rate of interest to be paid on this credit?

Shri B. R. Bhagat: I would request the hon. Member to wait for the agreement which is yet to be signed. The details will be given there. A copy of it will be placed in the Library.

Shri Damani: May I know if the terms and conditions of this loan are similar to those of the previous loans?

Mr. Speaker: He has said that he will place a copy of the agreement in the Library.

Shri Chintamoni Panigrahi: May I know whether this is the total amount of loans which India will get for the Third Five Year Plan from U.K. or whether further negotiations are going on with them for more loans?

Shri B. R. Bhagat: This is the indication given to us now. In future, we expect that we will be able to get more assistance.

Production of Diesel Oil from Coal

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*643. { **Shri R. C. Majhi:** / **Shri Subodh Hansda:**

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether Government are considering large scale production of diesel oil from coal; and

(b) if so, the action taken so far?

The Parliamentary Secretary to the Minister of Steel, Mines and Fuel (Shri Gajendra Prasad Sinha): (a) No.

(b) Does not arise.

Shri R. C. Majhi: May I know whether Government have totally dropped this proposal?

Shri Gajenra Prasad Sinha: For the present, there is no proposal to have synthetic oil.

Mr. Speaker: There is no proposal and there is no dropping.

Shri Yajnik: May I know whether the Committee that was appointed to inquire into this matter stated that the production of diesel oil from coal would be cheaper than the other variety of oil?

Sardar Swaran Singh: Normally, diesel oil produced from coal by the synthetic process is more costly. Luckily, after this committee was set up, there have been significant finds of crude oil, particularly in the State to which the hon. Member who has put the question belongs; and we have also undertaken to establish in the public sector 2 refineries based on Naharkatiya crude. Therefore, there is no pressing necessity for going in for synthetic oil at the moment.

Delhi Engineering College

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*644. **Shri S. C. Samanta:**
Shri Subodh Hansda:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the reasons for delay in the setting up of Delhi Engineering College, the foundation stone of which was laid by the Duke of Edinburgh;

(b) whether the lands have been fully acquired;

(c) whether the construction work has begun; and

(d) whether steps have been taken for recruitment of staff?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) As stated in the house on the 8th March, 1960, the College will start functioning from next academic session.

(b) 139 acres of land has already been acquired and steps have been initiated to acquire 92 acres more.

(c) Tenders for special type of workshops have been accepted and construction work will begin in December, 1960.

(d) Yes, Sir.

Shri S. C. Samanta: How much assistance is expected from the U.K. for its establishment?

Dr. M. M. Das: Under the Colombo Plan, U.K.; will give us equipment worth £ 2,50,000. In addition to this, 12 teachers will come here for teaching purposes, for five years.

Shri Radha Raman: May I know whether this college will specialise in any particular branch of engineering or will it give instruction in all types of engineering?

Dr. M. M. Das: It is not possible to teach all types of engineering subjects in one Engineering College. This college will have courses on civil engineering, mechanical engineering, electrical engineering, chemical engineering and textile technology.

Shri S. C. Samanta: What would be the capital expenditure and what would be the recurring annual expenditure on this?

Dr. M. M. Das: The total capital expenditure will be Rs. 365·27 lakhs and the recurring expenditure when the institution will be fully developed—and that is expected to be by the year 1964-65—will be Rs. 34·53 lakhs annually.

Shri Ranga: Is this college to serve an all-India purpose or to serve only local purposes of the centrally administered areas?

Dr. M. M. Das: It is an all-India institution.

Shri B.K. Gaikwad: May I know the cost of acquisition of whatever land that has been acquired for this?

May I also know whether the cost is more or less according to the Delhi Acquisition Act?

Dr. M. M. Das: I want notice of this question.

Shri B. K. Gaikwad: How much has Government spent?

Dr. M. M. Das: I have not got the information at my disposal at present. If the hon. Member gives notice I will reply.

Shri Radha Raman: What will be the capacity of this college; and may I know whether any examination will be conducted before admission of the students?

Dr. M. M. Das: There will be an admisssion test; and the total capacity for undergraduate course will be 250 admissions per year. And, when suitable teachers will be available for conducting research work, it is expected that there will be 150 research and post graduate students also.

Shri Ranga: May I take it that when they select the personnel for the Selection Committee for admitting students they will see to it that the all-India character is maintained in that also?

Dr. M. M. Das: There can be no doubt about that. There are several all-India institutions and this is particularly taken care of in everyone of those institutions.

Shri V. P. Nayar: In reply to a previous supplementary question, the hon. Minister said that certain tenders have been finalised. What is the total value for which tenders have been given for construction purposes and why is it not possible to have the work entrusted to the C.P.W.D.?

Dr. M. M. Das: I could not hear the later part of the question.

Shri V. P. Nayar: Why could not the C.P.W.D. be entrusted with the entire work and why had we to go in for tenders? That is the latter part of the question.

Dr. M. M. Das: The institution has been registered as a society under the 1860 Registration of Societies Act. And, according to the conditions of registration a governing body has been set up. This governing body is taking all measures for the establishment of the institution.

Shri V. P. Nayar: Am I to take it from the answer that the Government has absolutely no control?

Dr. M. M. Das: So far as that society is concerned, it is an autonomous institution.

Third Finance Commission

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*645. **Shri R. C. Majhi:**
Shri Subodh Hansda:
Shri S. C. Samanta:
Shri Ram Krishan Gupta:
Shri Assar:

Will the Minister of **Finance** be pleased to state:

(a) whether the **Third Finance** Commission has been set up by Government;

(b) if so, who are the members of the Commission; and

(c) what are the terms of reference?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) The Third Finance Commission is proposed to be set up by about the middle of the month.

(b) and (c). The names of the Members and the terms of reference to the Commission as approved by the President are indicated in the Statement laid on the Table of the House. [*See* Appendix II, annexure No. 66]

Shri R. C. Majhi: One of the terms of reference is, 'requirement of the Third Five Year Plan'. May I know when this recommendation about requirement will be submitted to the President?

Shri B. R. Bhagat: When the labours are over they will submit it.

श्री म० ला० द्विवेदी : जो ब्यान दिया गया है, उस में लिख ह requirement of the Third Five Year Plan' पर भी यह कमीशन अपनी सिफारिशें देगा। चूंकि तीसरे प्लान का मस्विदा तयार है और उस पर अमल हाने वाला है, मैं जानना चाहता हूं कि ये रिकमेंडेशंस, जो फाइव यीर प्लान की रिक्वायरमेंटस की हैं, कब तक मालूम हो सकेंगी और गवर्नमेंट उन पर कब विचार करेगी ?

Shri B. R. Bhagat: The Finance Commission has not yet started the work. It will take some time to finalise it. I hope they will very soon submit their recommendations.

Shri M. L. Dwivedi: The statement says that this Commission is to recommend for 4 years 1962—65. If that is so, when will be recommendations be received and when will Government be in a position to consider these? Will the Plan remain without being put through?

Mr. Speaker: Is it for 4 years?

Shri B. R. Bhagat: This time it is for 4 years.

Shri S. C. Samanta: After the recommendations of the Second Finance Commission were accepted by Government, some suggestions came from different State Governments. May I know whether these suggestions have been included in the additional subjects that have been allotted to the Third Commission?

Shri B. R. Bhagat: The terms of reference of the Finance Commission are given here. Nothing beyond that is included for consideration.

Shri Achar: May I know for what period was the previous Commission's report? Was it not for 5 years?

Shri B. R. Bhagat: Yes, Sir.

Shri Achar: If so, how does Government take it for one previous year?

Shri B. R. Bhagat: I could not follow the second part.

Mr. Speaker: The hon. Member asks that when the previous Commission's period was five years, why should this Commission's period be restricted to four years?

Shri B. R. Bhagat: The Second Finance Commission, in one of their recommendations—I think paragraph 27—suggested that the period covered by the recommendations of the Finance Commission should coincide with that of the Five Year Plan. And, it is in pursuance of that that we have said that since the Third Plan will commence after a few months the Finance Commission may cover the period of the Plan.

Shri Tangamani: The Second Commission gave its recommendations under article 280 (a) and (b) of the Constitution. May I know whether its recommendations giving the allocations to the various States will be modified by this Third Finance Commission or whether it will confine itself to the other terms of reference under articles 269 and 275?

Shri B. R. Bhagat: The reference under article 280 (a) and (b) is obligatory (a) for taxes and (b) for grants-in-aid. Each Finance Commission has to go into the terms of the Constitution and this Finance Commission will also do so, in addition to certain terms of reference which had been given by the President to the Finance Commission.

Shri Tangamani: Has a directive been given to modify the recommendations of the Finance Commission regarding the allocation to various States?

Shri B. R. Bhagat: Their recommendations hold valid for a period of five years. Now, they will recommend for another period. They are not modifications.

Shri Nath Pai: The earlier Press reports indicated that Shri G. L. Mehta was appointed as Chairman of the Commission. Subsequently, reports

said that he was declining to take up the work on grounds of health. Press reports indicated that he declined to take up the chairmanship due to differences of policy. May we know whether it was due to differences of policy?

Shri B. R. Bhagat: He declined on medical grounds.

WRITTEN ANSWERS TO QUESTIONS

Export of Frogs

*635. **Shri Yadav Narayan Jadhav:**
Shri Indrajit Gupta:
Shri Assar:
Shri Koratkar:
Shri P. R. Patel:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that Government propose to export frogs for biological studies;

(b) what is the total number of frogs being used by students in India for biological studies;

(c) whether Government are aware that due to scarcity of frogs for biological studies scientific researches are being held up in India; and

(d) what steps Government propose to take to breed frogs on an extensive scale?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No, Sir, there is no such proposal.

(b) Information is being collected and will be laid on the Table of the House in due course.

(c) No, Sir.

(d) The Ministry of Scientific Research and Cultural Affairs have no such proposal.

Gas Turbine Project

*646. **Shri Morarka:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to refer to the reply given to Starred Question No. 1008 on the 1st September, 1960 and state:

(a) whether Government has decided on the location for installing the gas turbine project;

(b) if so, where; and

(c) the capacity of the proposed project?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) The Council of Scientific and Industrial Research have now decided not to pursue the matter of establishment of a centre for gas turbine research.

(b) and (c). Do not arise.

Selective Tests for Admission to Universities

*647. **Shri Sadhan Gupta:**
Shri Ramji Verma:

Will the Minister of **Education** be pleased to state:

(a) whether Dr. C. D. Deshmukh in his address to the Delhi University Students Union on the 1st September, 1960 advocated selective tests for admission to colleges and universities;

(b) if so, whether he represented the policy of the University Grants Commission or of the Government of India; and

(c) whether before putting this policy into execution steps will be taken to ensure that University education is not to be required as a precondition for entry into class III or Class II services of the Central Government or corresponding services of the State Governments?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes, Sir.

(b) He represented the policy of the University Grants Commission with which the Government is also in general agreement.

(c) The Government have at the moment no proposal to revise the recruitment qualifications issued only in December, 1959.

Purchase of Iron Ore for Bhilai Steel Plant

*648. **Shri Vidya Charan Shukla:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that due to disruption in the Railway Traffic between Dalli-Rajhara and Bhilai, iron ore had to be purchased from sources other than Bhilai Steel Plant's own mine; and

(b) if so, how much loss was suffered by the Bhilai Steel Plant because of this purchase in market?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) No, Sir. Not in the current year.

(b) Does not arise.

Production of Gas

*649. **Shri Ajit Singh Sarhadi:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) how far the commercial potentialities of Cambay, Ankleshwar and Jawalamukhi in regard to production of gas have been assessed and estimated; and

(b) what will be the production capacity of Jawalamukhi and its zone of supply?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) In Cambay and Ankleshwar, gas is associated with oil. No separate commercial potentialities of gas have been assessed and estimated.

In Jawalamukhi, gas, under moderate pressure, was met with in two horizons in well No. 1, but the commercial potentialities cannot yet be assessed or estimated.

(b) In Jawalamukhi well No. 1, two horizons (*i.e.* 919—923 *and* 879—890 metres) indicated a possible production of about 600,000 cubic feet per day.

Drilling in Jawalamukhi well No. 2 is still in progress. Nothing important has yet been observed.

It is too early make any assessment of production capacity of Jawalamukhi or its zone of supply.

Export of Steel Ingots to Germany

*650. **Shri Indrajit Gupta:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether Hindustan Steel limited has entered into an agreement with the German firm Mannesmann for export of steel ingots from Rourkela to Germany for rolling into pipes;

(b) how many tons of ingots have been exported so far; and

(c) how many tons of rolled pipes have been re-exported from Germany to India?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Hindustan Steel Limited have placed an order on Messrs. Mannesmann for 10,520 tons of pipes. The German firm have purchased a quantity of 12,000 tons of steel slabs from the Hindustan Steel Limited. Steel ingots are not being sold to Messrs. Mannesmann.

(b) and (c). The entire quantity of slabs contracted for has already been exported. Supply of pipes has also been completed.

Farmer's Car

*651. **Dr. Ram Subhag Singh:** Will the Minister of **Defence** be pleased to state:

(a) whether Government propose to manufacture Japanese 'Farmer's Car' in ordnance factories;

(b) if so; whether the trial of the car has been had; and

(c) whether it has been found suitable to Indian conditions?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) No such decision has been taken so far.

(b) and (c). Do not arise.

Central Institutes of Management

*652 **Shri Aurobindo Ghosal:**
Shri S. A. Mehdi:
Shri P. G. Deb:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it has been decided to set up two Central Institutes of Management;

(b) if so, where; and

(c) the purpose for which they are being set up?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) and (b). It has been decided to establish a Central Institute of Management at Calcutta. The question of establishing a similar Institute at Bombay or Ahmedabad is under consideration.

(c) The Institutes will provide facilities for advanced studies and research in Management.

Textile Technology Course at Behrampore Institute

*653. **Shrimati Renuka Ray:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) Whether the West Bengal Government have approached the Government of India to bear a part of the expenses towards introducing a degree course in textile technology at the Berhampore institute; and

(b) If so, with what result?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Dass): (a) Yes, Sir.

(b) The matter is under the consideration of the All India Council for Technical Education and its Eastern Regional Committee.

Geodetic and Research Branch

*654. **Shri Kalika Singh:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the achievements of Geodetic and Research Branch of the Survey of India; and

(b) when was this Branch established?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Coverage of the country with a net work of Trigonometrical Stations and precise Benchmarks by geodetic triangulation and geodetic levelling, gravity, magnetic and astronomical observations, tidal observations along the coastline and tidal predictions for various ports between Suez and Singapore; also connected applied research for improving the methods and techniques thereof.

(b) In the year 1800.

Accident in M.E.S., Delhi

*655. **Dr. Samantsinhar:**
Shri D. C. Sharma:
Shri S. M. Banerjee:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that one labourer was killed and three others were seriously injured when a 20 ton crane overturned at the Engineering Park, an M.E.E. establishment, in Delhi Cantonment on the 3rd October, 1960;

(b) whether it is also a fact that some labourers working in the establishment alleged that the officer-in-charge of the works had ordered the

men working on the crane to overload it;

(c) whether it is also a fact that the crane had been in use for a long time and its mechanism was defective; and

(d) if so, whether any enquiry has been instituted into the matter and the result thereof?

The Deputy Minister of Defence (Sardar Majithia): (a) One labourer was killed and three injured, two seriously and one slightly, when a crane overturned on the 3rd October 1960. The capacity of the crane was, however, 6½ tons and not 20 tons

(b) to (d). The matter is under investigation. A Staff Court of Inquiry has been held and its findings are under examination by the appropraite military authorities.

Coal Supply to Steel Plants

*656. **Pandit D. N. Tiwari:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it has been decided to pay bonus to those collieries who supply coal to Steel Plants with low ash content and to impose penalty on those whose coal confirms high percentage of coal ash; and

(b) whether this will involve extra cost to the coal bill of the Steel Plants and if so to what extent?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) With a view to encouraging collieries to improve the quality of coal supplied to steel plants, it has been decided they may be paid an extra sum over and above the existing controlled price of coal for each grade, depending on the extent to which the ash content is less than the maximum prescribed for a particular grade. The steps to be taken in cases where the ash content of the coal supplied is consistently above the maximum prescribed for the grade are under consideration.

(b) Any apparent increase in the coal bill of steel plants will be more than offset by the advantages accruing from the improved quality of coal supplied to them.

Pre-Budget Debate

*657. **Shri B. C. Kamble:** Will the Minister of **Finance** be pleased to state:

(a) whether his attention has been drawn to a news report (the *times of India* of the 28th October, 1960, at page 9) about U.K. Government's decision to have pre-budget debate every year;

(b) whether Government propose to take similar decision; and

(c) if not, the reasons therefor?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) Yes, Sir.

(b) and (c). Barring the presentation of a White Paper on public investment, the other changes introduced in the U.K. relate to the manner and functioning of the Estimates Committee and Public Accounts Committee and a discussion of their reports. The latter are matters for the Lok Sabha to consider. Information about public investment is already available in the Budget documents presented to the Parliament.

Neyveli Lignite

*658. **Shri Tangamani:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether East German experts have requested that 1000 tons of Neyveli lignite be sent to them for test;

(b) if so, whether the same has been sent; and

(c) if the answer to pact (b) above be in the negative the probable date by which the same will be sent?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Yes Sir.

(b) Not yet.

(c) Lignite in quantity is likely to be available by the middle of 1961.

Audit of L.I.C. Accounts

*659. **Shri P. C. Borooah:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that only four firms of Auditors have been appointed to audit accounts of 800 Offices of the Life Insurance Corporation in the Eastern Zone;

(b) whether the small number of auditors has resulted in their failure to carry out audits annually as required; and

(c) whether Government propose to increase the number of auditors so that audit may be carried out properly?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) to (c). No, Sir.

जमायत इस्लामिया हिन्द का सम्मेलन

*६६०. **श्री सरजू पाण्डेय :**
श्री रघुनाथ सिंह :
श्री आसर :

(क) क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १०, ११ और १२ नवम्बर, १९६० को जमायते इस्लामिया हिन्द का एक सम्मेलन लाल किले के सामने के मैदान में हुआ था जिस में यह कहा गया था कि जमायत ऐसी किसी सरकार में विश्वास नहीं रखती जो धर्म निरपेक्ष राज्य के सिद्धान्त पर आधारित हो और

(ख) यदि हां, तो सरकार की इस के प्रति क्या प्रतिक्रिया है ?

गृह-कार्य मंत्री (श्री गो० ब० पन्त) : (क) ११ नवम्बर से ले कर १४ नवम्बर, १९६० को जमायत इस्लामिया हिन्द के अखिल भारतीय सम्मेलन में, जोकि प्रेड मैदान में हुआ था, ऐसा कोई भाषण नहीं दिया गया बताते हैं ।

(ख) प्रश्न ही नहीं उठता ।

Run on Indian Bank, Madras

*661. **Shri N. R. Muniswamy:**
Shri Heda:
Shri Ram Krishan Gupta:

Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that there was a run on the Indian Bank Limited in Madras City;

(b) if so, the reasons therefor;

(c) whether this fact was divulged by the periodical reports of the Reserve Bank of India; and

(d) what is its present financial position and whether it needs any assistance from the Reserve Bank of India?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) There were unusual withdrawals from the bank's Madras Offices during the latter half of the second week of November, 1960, but the conditions are reported to have returned to normal within six days.

(b) It is very difficult to find out the specific reasons which set in motion the withdrawals from the bank.

(c) and (d). The material available with the Reserve Bank of India indicates that the bank's financial position is satisfactory. The withdrawals were for a short duration only and the bank did not approach the Reserve Bank for any special assistance.

Home Guards

*662. **Shri D. C. Sharma:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 484 on the 17th August, 1960 and state:

(a) the further progress made in organising voluntary Corps of Home

Guards in different States and Union Territories;

(b) which States have organised such Corps; and

(c) the steps taken or proposed to be taken to expedite this work?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) The Kerala Government have since established a Home Guards Organisation. The Governments of Rajasthan and Orissa and the Union Territories of Himachal Pradesh and Tripura are examining the financial implications and taking steps to formulate necessary legislation.

(b) Maharashtra, Gujerat, Mysore, Madhya Pradesh, Bihar, West Bengal, Uttar Pradesh, Punjab and Kerala and the Union Territory of Delhi.

(c) The desirability of the early setting up of such organisations has been impressed on the Sate Governments.

Arrears of Income Tax

*663. **Shri S. M. Banerjee:** Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No. 1093 on the 6th September, 1960, and state what further steps have been taken to realise the arrears of income tax against the foreigners?

The Deputy Minister of Finance (Shri B. R. Bhagat): As stated already all available assets of the defaulters have been attached. When any fresh assets come to light, they are also attached by the Income Tax Officer. The arrears have been brought down to Rs. 11·04 crores on 1st October, 1960. The bulk of the arrears are due from Muslim evacuees to Pakistan.

राष्ट्रीय अनुशासन योजना

*६६४. { श्री भक्त दर्शन :
श्री प्रकाशवीर शास्त्री :

क्या शिक्षा मंत्री ३ मार्च, १९६० के तारांकित प्रश्न संख्या ५७१ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) राष्ट्रीय अनुशासन योजना के प्रसार कार्य में इस बीच क्या प्रगति हुई है ;

(ख) तीसरी पंचवर्षीय योजना में इस योजना के लिये क्या व्यवस्था की जा रही है;

(ग) क्या यह सच है कि कुछ राज्यों में राष्ट्रीय सेना छात्र दल और सहायक सेना छात्र दल की अपेक्षा इसे अधिक पसन्द किया गया है ; और

(घ) दिल्ली के कितने स्कूलों में यह योजना अब तक आरम्भ की जा चुकी है?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री दातार): (क) १९६०-६१ वर्ष के दौरान में समस्त भारत में, १०६३ स्कूलों/संस्थाओं में, जिन में ५,७३,१०० बच्चे थे, इस योजना को लागू किया गया । चालू शिक्षा-वर्ष के प्रारम्भ से राजस्थान के ९३ स्कूलों में भी, जिन में ४८,०८९ विद्यार्थी हैं, यह योजना लागू कर दी गई है । योजना, अंडमान और निकोबार द्वीपसमहों में भी लागू की जा रही है ।

(ख) विषय विचाराधीन है ।

(ग) किसी भी राज्य सरकार ने भारत सरकार से इस प्रकार के शब्दों में कुछ भी नहीं कहा है ।

(घ) ४५ ।

Reserve Bank Control over Scheduled Banks

*665. { **Shri Ram Krishan Gupta:**
Shri Raghunath Singh:

Will the Minister of **Finance** be pleased to state:

(a) whether Government have formulated proposals to arm the Reserve Bank with additional powers with a view to ensuring more effective contol over the operations of Scheduled Banks; and

(b) if so, the details thereof?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (b). The question is under continual examination by Government and the Banking Companies Act has been amended accordingly from time to time.

Asbestos Deposits in Andhra

*666. **Shri Subodh Hansda:**
Shri S. C. Samanta:
Shri P. R. Majhi:

Will he Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that a large deposit of Asbestos has been found in Andhra Pradesh; and

(b) if so, the steps taken to exploit the deposits?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) The asbestos deposits of Andhra Pradesh are known for a long time. They are located in the districts of Cuddapah, Karnool and Anantapur.

(b) Most of the promising asbestos bearing areas in Andhra Pradesh have already been leased out. The Government of Andhra Pradesh have stated that they propose to take up drilling in the more promising zones during the 3rd Five Year Plan period subject to the availability of drills. Detailed investigation is also proposed to be undertaken by the Indian Bureau of Mines during the Third Five Year Plan period.

Retrenched Employees of Rehabilitation Finance Corporation

*667. **Shri Ajit Singh Sarhadi:** Will the Minister of **Finance** be pleased to state:

(a) the total number of Rehabilitation Finance Corporation (under liquidation) employees who have been retrenched so far;

(b) how many of them have been absorbed; and

(c) what steps are being taken to employ the rest?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (b). Of the total staff strength of 305 of the Rehabilitation Finance Administration as at the close of business on the 30th June, 1960 when the Administration was placed in liquidation, seventy-six employees have since left the service, sixty-seven of whom on securing alternative jobs, two on retirement and seven of their own accord.

(c) Every endeavour is being made to secure alternative employment for the rest.

सोने का पकड़ा जाना

*६६८. **श्री रघुनाथ सिंह :**
श्री एन० आर० मुनिस्वामी :
श्री जगन्नाथ राव :
श्री राम कृष्ण गुप्त :
श्री प्र० के० देव :
श्री वारियर :
श्री आसर :
श्री दलजीत सिंह :

वाय वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बम्बई के सीमा शुल्क वालों ने ८ अक्तूबर, १९६० को इटली के "एशिया" नामक जहाज से २३ लाख रुपये का अवैध सोना पकड़ा है और दो व्यक्तियों को गिरफ्तार किया है ; और

(ख) यदि हां, तो वास्तविक घटना का ब्यौरा क्या है ?

राजस्व और असैनिक व्यय मंत्री (डा० बे० गोपाल रेड्डी) : (क) जी हां ।

(ख) सभा की मेज पर एक विवरण रख दिया गया है जिस में उस घटना का ब्यौरा दिया गया है ।

विवरण

लायड ट्रीस्टिनों का एम० वी० "एशिया" नाम का जहाज ८ अक्टूबर १९६० को हांगकांग से बम्बई पहुंचा । जहाज के पहुंचने के कुछ घंटे बाद ही जहाज से उतरते हुए दो विदेशी (ब्रिटेन के राष्ट्रजन) हिरासत में ले लिये गये । दोनों आदमियों में से एक, मिस्टर आर० एस० सैक्सन,इस जहाज के पहले दर्जे के यात्री थे, जो हांगकांग से पोर्ट सैयद जा रहे थे । दूसरे, मिस्टर टी० एल० ह्यूज हांगकांग से हवाई जहाज द्वारा पहले ही भारत पहुंच चुके थे और जहाज पर एक मुलाकाती की हैसियत से गये थे । तलाशी लेने पर दोनों के पास से ७०४० तोला सोना बरामद हुआ । मिस्टर सैक्सन के केबिन की तलाशी लेने पर १०,२४० तोला सोना और बरामद हुआ । ये दोनों ही गिरफ्तार कर लिये गये । मिस्टर सैक्सन अपराधी ठहराये गये और उन्हें १५ महीने की कड़ी कैद की सजा दी गई । इस सिलसिले में ५ और व्यक्ति भी गिरफ्तार किये गये हैं । मिस्टर ह्यज और कुछ दूसरे व्यक्तियों के खिलाफ अभी मुकदमा दायर नहीं किया गया है, क्योंकि तहकीकात अभी जारी है ।

"Kanpur-I" Aircraft

***669. Shrimati Ila Palchoudhuri:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that the light transport aircraft 'Kanpur-I' manufactured at the I.A.F. Base Repair Depot at Kanpur has not yet been given an airworthiness certificate;

(b) if so, the reasons therefor and when this is likely to be done;

(c) whether it is also a fact that an improved version of the 'Kanpur-I' aircraft mentioned in part (a) above is already under way;

(d) if so, the nature of progress made;

(e) whether it is also a fact that an aircraft Jet engine has been locally designed and is under contruction at the I.A.F. Base Repair Depot at Kanpur; and

(f) if so, the progress made in connection therewith?

The Deputy Minister of Defence (Sardar Majithia): (a) Military aircraft do not need certificate of airworthiness.

(b) Does not arise.

(c) Yes.

(d) Manufacture of the improved version has started.

(e) Yes.

(f) Manufacture of the prototype components of this engine is progressing satisfactorily.

Kalidas Samaroh

***670. Dr. Ram Subhag Singh:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether any steps have been taken by Government to celebrate the annual Kalidas Samaroh which falls this year during the week commencing on the 30th November, 1960; and

(b) if so, the details thereof?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) and (b). The Government of Madhya Pradesh celebrated the annual Kalidas Samaroh with the help of Government of India, State Governments and other Cultural Organisations during the week commencing on 30th October, 1960 and the Government of India gave a grant of Rs. 7,500 to the Kalidas Samaroha Samiti for this purpose.

Closure of Prabhat Bank

***671. { Shri P. G. Deb: / Shri S. A. Mehdi:**

Will the Minister of **Finance** be pleased to state:

(a) whether Prabhat Bank, Delhi has closed down; and

(b) if so, the reason for the same?

The Deputy Minister of Finance (Shri B R. Bhagat): (a) Under Section 45 of the Banking Companies Act, 1949, the Central Government has granted moratorium to the Prabhat Bank Ltd., Delhi for the period from the 8th October, 1960 to the 8th January, 1961.

(b) The bank was finding it difficult to function and the moratorium was served to protect the interests of depositors generally. A scheme for the merger of the bank with the National Bank of Lahore Ltd., has since been prepared by the Reserve Bank.

International Students House, Delhi

***672. Shri D. C. Sharma:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to refer to the reply given to Starred Question No. 698 on the 24th August, 1960 and state:

(a) the progress made so far in finalising the master plan for the International Students House, Delhi; and

(b) when it is likely to be completed?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) A new plan is being prepared in consultation with the University authorities.

(b) It is not possible to say definitely.

Coal Shortage in Uttar Pradesh

***673. Shri S. M. Banerjee:**
Shri Sarju Pandey:
Shri Ram Shanker Lal:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether coal shortage in Uttar Pradesh still continues; and

(b) if so, the steps taken to solve this problem?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). The supply position has improved. Against 2008 wagons supplied to U.P. in July last, 4402 were supplied in August and 5405 in September.

छात्रों में अनुशासनहीनता

***६७४. श्री भक्त दर्शन :**
श्री प्रकाशवीर शास्त्री :
डा० राम सुभग सिंह :

क्या शिक्षा मंत्री ६ सितम्बर, १९६० के तारांकित प्रश्न संख्या १२३६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि विश्वविद्याल ों के छात्रों में अनुशासनहीनता की समस्या का अध्ययन करने के लिये नियुक्त की गयी अनुशासन समिति की रिपोर्ट पर अन्तिम निर्णय करने की दिशा में क्या प्रगति हुई है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री दातार) : विश्वविद्यालय अनुदान आयोग ने ११ अक्टूबर, १९६० को छात्रों की अनुशासनहीनता पर नियुक्त समिति की रिपोर्ट पर विचार किया और सामान्यत: इसे स्वीकृत किया । आयोग ने यह इच्छा प्रकट की कि रिपोर्ट की प्रतिलिपियां विश्वविद्यालयों और कालिजों को भेज दी जायें ।

Army Act

***675. Shri Ajit Singh Sarhadi:**
Shri Ram Krishan Gupta:

Will the Minister of **Defence** be pleased to refer to the reply given to the Unstarred Question No. 180 on the 3rd August, 1960 and state:

(a) whether any decision has been arrived at to bring about an amendment in the Army Act to dispense with the provision for confirming the verdict of "Not guilty" by the Court Martials; and

(b) if so, the nature of the decision?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) and (b). It has been tentatively decided to amend the Army Act so as to dispense with the provision for confirming the verdict of "Not Guilty" by Courts Martial. However, it will take some more time before a Bill is brought, as some other amendments to Army Act are still under consideration.

उत्तर प्रदेश में तल सर्वेक्षण

*६७६. **श्री रघुनाथ सिंह** : क्या **इस्पात, खान और ईंधन** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उत्तर प्रदेश के पूर्वी भाग में तेल मिलने की कोई सम्भावना है ; और

(ख) क्या इस दिशा में कुछ प्रयत्न किये गये हैं ?

इस्पात खान और ईंधन मंत्री (सरदार स्वर्ण सिंह) : (क) इतनी जल्दी इस विषय में कुछ कहना सम्भव नहीं । फिर भी, यह क्षेत्र समन्वेषी सर्वेक्षण योग्य समझा गया है ।

(ख) भूभौतिकीय समन्वेषण (Geophysical Exploration) का कार्य हाथ में ले लिया गया है ।

Violation of Indian Air Space

*677. **Shrimati Ila Palchoudhuri:**
Shri D. C. Sharma:
Shrimati Mafida Ahmed:

Will the Minister of **Defence** be pleased to state:

(a) the number of aircrafts which violated the Indian air-space on India-Pakistan Border during the last three months; and

(b) the action taken in the matter?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). There have been two violations of the Cease Fire Line in Kashmir since 1st September, 1960. The violation of the Cease Fire Line in one case has been taken up by the Army authorities with the United Nations Military Observers Group in Jammu and Kashmir. In regard to the other, the matter was not taken up due to lack of proper identification of the aircraft.

D.L.F. Loan for India

*678. **Shri Ram Krishan Gupta:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that Government of India have asked for bigger U.S. Development Loan Fund for the current year; and

(b) if so, the nature of success achieved so far in this regard?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (b). During 1960 DLF has agreed to give India loans totalling $238·17 million. Loans agreed to by DLF in 1958 and 1959 amounted respectively to $75 million and $120 million.

Clearance of Baggage at Dum Dum Airport

*679. **Dr. Ram Subhag Singh:** Will the Minister of **Finance** be pleased to state:

(a) whether Government are aware that the Director General of the Food and Agriculture Organisation, Shri B. R. Sen, who arrived at the Dum Dum Airport (Calcutta) on the 12th November, 1960 could not get his baggage from Customs and left Calcutta for another destination on the 14th November, 1960 without it; and

(b) if so, what is the position now?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (b). Shri sen arrived at the Dum Dum Airport on the 12th November, 1960. His accompanied baggage was passed immediately by the Customs Officer. Shri Sen informed the Customs Officer that one package of his unaccompanied baggage would be

arriving by a subsequent plane. Actually, however, the package in question had arrived by the same plane by which Shri Sen had travelled and had been manifested as freight. In the absence of any indication on the package or in the freight manifest that it belonged to Shri Sen or any instructions from him that it was to be retained at the Airport, the package was sent to the Custom House for clearance in the normal course. On 15-11-1960, the Clearing Agents of Shri Sen presented the necessary documents at the Custom House and the package was given clearance within a few minutes.

Housing Scheme for Scheduled Castes in Punjab

1169. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) the amounts which were sanctioned for Housing Schemes for Scheduled Castes in Punjab in 1959-60;

(b) whether the money allotted has been fully spent; and

(c) the number of houses constructed for the Scheduled Castes in Punjab under this scheme in 1959-60?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Rs. 3·37 lakhs.

(b) Yes.

(c) 449.

Profit by Tobacco Companies

1170. Shri D. C. Sharma: Will the Minister of **Finance** be pleased to state:

(a) the amount of profit earned by the tobacco companies belonging to non-residents in India during 1957-58 and 1958-59; and

(b) the remittance of profits and dividend from India by these companies during the same period?

The Minister of Finance (Shri Morarji Desai): (a) and (b). A statement is laid on the Table of the Lok Sabha.

STATEMENT

(in lakhs of rupees)

	1957-58	1958-59
(a) Profits and dividends accrued to non-residents	174·8	171·9
(b) Profits and dividends remitted	138·2	114·5

NOTE—The figures relating to the remittances of profits and dividends are on a financial year basis while those of accruals are based on the details furnished by the companies and hence will not necessarily be on a financial year basis.

Company Law Cases

1171. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state the number of Company Law cases dealt with by the anti-fraud squad during May, 1960 to October, 1960?

The Minister of Home Affairs (Shri G. B. Pant): Four cases registered during the period and 2 cases registered previously were dealt with from May, 1960 to October, 1960.

Cultural Grants to Punjab Organisations

1172. Shri D. C. Sharma: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the names of organisations which were given grants for promotion of cultural activities in Punjab State during the years 1958-59 and 1959-60; and

(b) the amount sanctioned to each of them during the above period?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) and (b).

Name of Organisation	Amount
	Rs.
1958-59 :	
1. Indian Academy of Fine Arts, Amritsar . . .	15,000
2. The Vishveshvar anand Vedic Research Institute, Hoshiarpur	63,760
3. Jallianwalabagh National Memorial Trust, Amritsar .	2,04,060
1959-60 :	
1. The Vishveshvara and Vedic Research Institute, Hoshiarpur .	68,325
2. Sikh History Research Department, Khalsa College, Amritsar	7,500
3. Punjab Sahitya Akademi, Ludhiana	8,700
4. Jallianwalabagh National Memorial Trust, Amritsar	3,74,111

Pardons granted by the President or the Central Government

1173. **Shri D. C. Sharma:**
Shri Pangarkar:

Will the Minister of **Home Affairs** be pleased to state the number of (i) murder cases and (ii) other cases in which pardons or remissions have been granted by the Central Government or the President during the period April, 1960 to October, 1960?

The Minister of State in the Ministry of Home Affairs (Shri Datar): Death sentence was commuted to imprisonment for life in the case of 24 prisoners and remission of punishment was granted in seven cases, during the period from 1st April to 31st October, 1960.

Visas Issued to Foreigners

1174. **Shri D. C. Sharma:**
Shri Pangarkar:

Will the Minister of **Home Affairs** be pleased to state:

(a) the number of foreigners to whom visas to visit India were issued during the third quarter of the year 1960; and

(b) the names of the countries to which these persons belong?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). A statement giving the information received so far, is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 67].

Welfare of Scheduled Castes and Scheduled Tribes

1175. **Shri D. C. Sharma:** Will the Minister of **Home Affairs** be pleased to state:

(a) the amount sanctioned so far under the Second Five Year Plan for the welfare of Scheduled Castes and Scheduled Tribes in Delhi Territory; and

(b) the amount spent so far out of these allocations?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) The following amount has been sanctioned so far.

Category	Amount (Rs. in lakhs)
(i) Scheduled Tribes.	Nil
(ii) Scheduled Castes	17·15

(b) An amount of Rs. 12·15 lakhs has been spent out of the above allocation.

Per Capita **Consumption of Petrol**

1176. **Shri D. C. Sharma:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) what will be the *per capita* consumption of petrol in India at the

end of the Second Five Year Plan; and

(b) how does our present *per capita* consumption of petrol compare with the United Kingdom, U.S.A., U.S.S.R., West Germany and China?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). It is not possible to give the *per capita* consumption of petrol as it would not be in the Public interest to do so. *Per capita* consumption of gasolines, including petrol, aviation spirit etc. during the last year of the 2nd Plan is estimated to be of the order of 3 litres. Information on *per capita* consumption of petrol in the United Kingdom, U.S.A., U.S.S.R., West Germany and China is not available. United Nations have been publishing statistical information regarding world energy. Due to varying definitions from country to country it is difficult to give exactly comparable figures. On the basis of certain uniform definitions, (not comparable to the one on which figure for last year of the 2nd Plan has been worked out above) in the United Nations' latest publication "World Energy supplies 1955—58", the figures for 1958, latest year for which data in respect of gasolines which also include aviation spirit etc. is available, are given in the statement below:—

Country	*Per capita* consumption of gasolines including aviation spirit etc. (Litres)
U.S.A.	1325·8
U.K.	209·9
West Germany	105·1
India	4·1

भारत में विदेशी अध्यापक

११७७. श्री प्रकाश वीर शास्त्री : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) संघ राज्य-क्षेत्रों में कितने विदेशी अध्यापक काम कर रहे हैं ;

(ख) इन में से कितने विदेशी अध्यापक ईसाई धर्म प्रचारकों द्वारा चलाई जा रही शिक्षा संस्थाओं में काम कर रहे हैं और क्या सरकार के पास उनके राज्यवार आंकड़े हैं ; और

(ग) क्या सरकार ने विदेशों से ऐसे अध्यापकों की सेवायें प्राप्त करने के बारे में कोई नीति निर्धारित की है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री बातार) : (क) ४० ।

(ख) (।) २३ ।

(।।) विभिन्न केन्द्र प्रशासित क्षेत्रों में ईसाई धर्मप्रचारकों द्वारा चलाई जा रही शिक्षा संस्थाओं में विदेशों अध्यापकों की संख्या इस प्रकार है :—

त्रिपुरा	१
मनीपुर	२
दिल्ली .	२०

(ग) विदेशी अध्यातकों की सेवायें प्राप्त करने की प्रत्येक प्रार्थना पर सम्बन्धित अधिकारियों के साथ परामर्श करके योग्यतानुसार निर्णय किया जाता है ।

Scheduled Castes and Scheduled Tribes

1178. Shri Pangarkar: Will the Minister of **Home Affairs** be pleased to state:

(a) how many times the Commissioner for Scheduled Castes and Scheduled Tribes visited Madhya Pradesh during 1959-60; and

(b) the places visited by him in that State?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Six times.

(b) Mandla, Kumadehi, Baihar, Tantaola, Jabalpur, Kalpi, Gorami,

Gwalior, Meghpura, Tamia, Chhindwara, Bhopal, Raipur, Pharasgaon, Boregaon, Bastar, Jagdalpur, Shamgarh and Avaund.

स्वतन्त्रता संग्राम के सैनिकों की संक्षिप्त जीवनी

११७९. **श्री खुशवक्त राय:** क्या **वैज्ञानिक अनुसन्धान और सांस्कृतिक कार्य** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत सरकार स्वतंत्रता संग्राम के सैनिकों की संक्षिप्त जीवनी की कोई निर्देशिका प्रकाशित करने जा रही है ;

(ख) यह कब तक प्रकाशित हो जायेगी;

(ग) क्या इस निर्देशिका में स्वतंत्रता संग्राम के सब सैनिकों की जीवनियां दी जायेंगी, और

(घ) इन जीवनियों को संकलित करने के लिये क्या प्रबन्ध किया गया है ?

वैज्ञानिक अनुसन्धान और सांस्कृतिक कार्य उपमंत्री (डा० म० मो० दास): (क) भारत सरकार, राज्य सरकारों द्वारा उनकी बाबत "हू इज हू" छापे जाने का प्रोत्साहन दे रही है जिन्होंने स्वतंत्रता संग्राम में भाग लिया था ।

(ख) प्रकाशन के लिये कोई निश्चित तारीख मुकर्रर नहीं की गई क्योंकि प्रकाशन राज्य सरकारों द्वारा सूचियों के पूरे किये जाने पर निर्भर है ।

(ग) उन सभी लोगों को इस प्रकाशन में स्थान मिलेगा जिन्होंने राष्ट्रीय संग्राम में कष्ट सहे हैं और जिनके बारे में जानकारी उपलब्ध है ।

(घ) राज्य सरकारों से कहा गया है कि जहां तक उनका संबंध है, वे अपने अपने "हू इज हू" प्रकाशित करने की कार्रवाई करें। जब सभी राज्य सरकारों के पास आधारभूत सामग्री हो जायेगी, तब भारत सरकार सबकी एक सूची छापने के सवाल पर ग़ौर करेगी ।

Delhi Rent Control Act

1180. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state the total number of cases filed with the Rent Controller from the 1st May, 1960 upto the 31st October, 1960 under the Delhi Rent Control Act of 1959, since its enforcement and out of these the number of cases:

(i) filed each by the landlords and the tenants;

(ii) filed by the landlords in which tenants' evictions are sought;

(iii) in which tenants' evictions sought on the ground of "personal requirement of the landlord";

(iv) filed by the tenants for fixation of standard rent; and

(v) in which tenants' evictions are sought in respect of the newly transferred premises?

The Minister of State in the Ministry of Home Affairs (Shri Datar): Total number of cases 3,020.

(i) (a) Landlords 1,624
(b) Tenants 1,396

(ii) 1,599.

(iii) 278.

(iv) 339.

(v) 5.

Scientific Research in Punjab University

1181. Shri D. C. Sharma: Will the Minister of **Education** be pleased to state the nature of facilities given to Punjab University, and other colleges in Punjab during the last 3 years for purposes of scientific research and study?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The information is being collected and will be laid on the Table of the Lok Sabha in due course.

Scrap

1182. Shri Kunhan: Will the Minister of **Defence** be pleased to state the quantity of non-ferrous metal scrap disposed of (sold) during 1957-58, 1958-59 and 1959-60?

The Deputy Minister of Defence (Shri Raghuramaiah): The quantity of non-ferrous metal scrap disposed of during the years 1957-58 to 1959-60 is as under:—

Year	Quantity (Tons)
1957-58	1,521
1958-59	932
1959-60	1,234

In addition to the tonnage mentioned above, certain items of scrap, whose accounting unit is in number, account for 2,153 numbers disposed of during 1958-59 and 1,626 numbers during 1959-60.

Iron & Steel for Punjab

1183. Shri D. C. Sharma: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) what were the requirements of iron and steel for Punjab in 1957-58, 1958-59 and 1959-60 so far;

(b) how much of it was supplied by the Centre; and

(c) what was the reason for not meeting the demand in full?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). A statement is laid on the Table. [*See* Appendix II, annexure No. 68].

(c) Production of steel has been far short of demand and imports have also been limited due to shortage of foreign exchange. The demands of various States including Punjab have, therefore, not been met in full. With the increase in production the position has become easier except in the case of sheets (thinner gauge) and wire.

Manufacture of Motor Cycles in Ordnance Factories

1184. Shri D. C. Sharma: Will the Minister of **Defence** be pleased to refer to the reply given to Unstarred Question No. 600 on the 11th August, 1960 and state:

(a) whether any further progress has been made in the proposal to manufacture motor-cycles in Ordnance Factories in collaboration with Japan: and

(b) if so, the details thereof?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) and (b) There has been no further progress in the proposal to manufacture Motor Cycles in Ordnance Factories.

Merit-cum-Means Scholarships in Orissa

1185. Shri Chintamoni Panigrahi: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state the number of merit-*cum*-means scholarships allotted to each technical institute in Orissa during 1960-61?

The Deputy Minister for Scientific Research and Cultural Affairs (Dr. M. M. Das): The allotment of Merit-*cum*-Means Scholarships to technical institutes for 1960-61 has not yet been finalized.

Utkal University Professors

1186. Shri Chintamoni Panigrahi: Will the Minister of **Education** be pleased to state:

(a) whether the University Grants Commission has decided to pay the salaries of the newly appointed professors in the departments of Statistics, Psychology, Philosophy and Political Science in the Utkal University;

(b) whether there is any procedure laid down by the University Grants Commission for the appointments of such professors; and

(c) if so, whether this procedure has been observed while making

appointments to these posts by the Utkal University?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) The University Grants Commission has approved under the Second Five Year Plan the creation of the post of a Professor in each of the departments of Statistics, Psychology, Philosophy and Political Science at the Utkal University, the expenditure in respect of which is to be shared between the Commission and University|State Government at 50:50. The University has not yet reported to the Commission appointment of Professors in these Departments.

(b) and (c). While the Commission has not laid down any detailed procedure for the appointment of University teachers, as each University has its own statutory provision laying down procedures in such matters. it has prescribed qualifications for different categories of University teachers.

Before grants are released by the Commission towards the appointment of University teachers to posts sanctioned by it, their qualifications are scrutinised by the Commission in the light of the prescribed conditions. As already stated, the Commission has not yet received a report from the University regarding the appointments made to these posts.

Orissa Mining Corporation

1187. Shri Chintamoni Panigrahi: Will the Minister of **Steel, Mines and Fuel** be pleased to refer to the reply given to Starred Question No. 704 on the 22nd August, 1959 and state:

(a) whether the Orissa Mining Corporation has been granted further mining leases for the areas which they have applied for; and

(b) if so, in which areas they have been granted further mining leases by now?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). The Orissa Mining Corporation has been granted only one mining lease for manganese and iron ores over 2,010 acres in villages Fulihari, Choda and Saraikela in Bonai Sub-division of Sundargarh District.

Development of Iron Ore Mines

1188. Shri Chintamoni Panigrahi: Will the Minister of **Steel, Mines and Fuel** be pleased to state the total amount of money invested so far in developing Barsua, Kiriburu and Bolani mines respectively upto 1st November, 1960?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): Barsua: The mechanisation of the mines has almost been completed. Total expenditure on it till now has been of the order of Rs. 7·4 crores.

Kiriburu: Work on Kiriburu has only recently started and the expenditure on the mines till now has been about Rs. 75 lakhs.

Bolani: These mines are being developed by Bolani Ores (Private) Limited in which Government of India have a 50·5 per cent share, 49·5 per cent being held by Orissa Minerals Development Company. Government have till now invested Rs. 35·35 lakhs in Bolani Ores.

Suppression of Immoral Traffic in Women and Girls Act, 1956

1189. { Shri D. C. Sharma: / Shri Ram Krishan Gupta:

Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 722 on the 24th August, 1960 and state:

(a) whether Government have since considered the suggestions for making more effective the working of the Suppression of Immoral Traffic in Women and Girls Act, 1956; and

(b) if so, with what results?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b). Government are awaiting the comments of some of the State Governments on the suggestions.

Standard of Education

1190. { **Shri D. C. Sharma:** / **Shri Ram Krishan Gupta:**

Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 741 on the 24th August, 1960 and state the further progress made in the deliberations which were being held by the Union Public Service Commisssion with the Ministry of Education to check the fall in standard of education and general knowledge of candidates competing for Union Public Service Commission Examinations?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The Government of India, University Grants Commission and the various State Governments are all seized of the problem and every effort is being made to tackle it. Like most other educational reforms, the results of the various efforts in this direction will be visible only after some time.

Expansion of N. C. C.

1191. Shri D. C. Shrama: Will the Minister of **Defence** be pleased to refer to the reply given to Starred Question No. 745 on the 24th August, 1960 and state the up-to-date progress made in implementation of the measures that were being considered for imparting military training to maximum number of youths of the country through National Cadet Corps?

The Deputy Minister of Defence (Shri Raghu Ramaiah): Since August 1960, the following progress has been made:

(1) *National Cadet Corps*

No additional units have been sanctioned but proposals in this regard are under consideration.

(2) *NCC RIFLES*

By the 15th November 1960, an addition of about 16,300 cadets had been made, taking the total number enrolled to 1,16,500.

(3) *Officers Training Units*

Upto the 15th November 1960, an addition of 40 cadets had been made, taking the total number of cadets enrolled to 156, 450 fresh applications have been received and arrangements are being made for interview of these applicants by the Services Selection Board.

(4) *Auxiliary Cadet Corps*

By the end of October 1960, an addition of 20,510 cadets had been made, taking the total number of cadets enrolled during the year 1960-61 to 33,510. Further enrolment is in progress.

Development of Linguistics

1192. { **Shri Shree Narayan Das:** / **Shri Radha Raman:**

Will the Minister of **Education** be pleased to state:

(a) whether any programme for the development of linguistics on zonal basis has been drawn up by the University Grants Commission;

(b) if so, the important features thereof:

(c) whether zonal groupings have been finalised; and

(d) if so, what they are?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (d). The University Grants Commission has appointed a Committee to examine the question and make recommendations. The recommendations of the Committee are awaited.

Medium term loans for Cooperative Industries

1193. { **Shri Shree Narayan Das:** / **Shri Radha Raman:** / **Shri Ram Krishan Gupta:**

Will the Minister of **Finance** be pleased to refer to the reply given to

Unstarred Question No. 824 on the 17th August, 1960 and state:

(a) whether the Reserve Bank of India has since finalised the consideration of relative present standards regarding medium term loans for the cooperative industries; and

(b) if so, with what result?

The Minister of Finance (Shri Morarji Desai): (a) and (b). The recommendations made by the Mehta Committee on cooperative credit in regard to the relaxation of present standards of credit limits for medium-term loans to cooperative banks have been accepted in principle by the Reserve Bank. The details of the procedure to be followed are being worked out.

American Loan Commodities

1194. **Shri P. G. Deb:**
Shri Jhulan Sinha:

Will the Minister of **Finance** be pleased to refer to the reply given to Unstarred Question No. 2530 on the 9th September. 1960 *re.* American Loan Commodities and state:

(a) the names of the parties to whom these Rupee funds are made available as loans; and

(b) the amount so far sanctioned to business firms and their Indian affiliates?

The Minister of Finance (Shri Morarji Desai): (a) and (b). The amount of Rs. 506.63 crores mentioned in the statement attached to the reply to Unstarred Question No. 2530, is earmarked as loan to the Govt. of India and is intended to be utilized on schemes in the Plan. Only a sum of Rs. 26.19 crores is earmaked to be re-lent to the Refinance Corporation of India and out of this, a sum of Rs. 5 crores has so far been lent to that Corporation. As regards part (b) of the question, the following loans have been approved by the Export and Import Bank of U.S.A. out of the amount earmarked for lending to U.S. Business firms and their associates:

Name of the firm	Amount of loan sanctioned
	Rs.
1. M/s. Otis Elevator Co.	10,00,000
2. M/s. Goodyear Tyre & Rubber Co. of India Pvt. Ltd.	2,25,00,000
3. M/s. Mysore Cements Ltd.	55,00,000
4. M/s. Synthetics & Chemicals Ltd.	3,92,00,000
5. M/s. Hindustan Aluminium Corpn. Ltd.	1,00,00,000
6. M/s Merk Sharp & Dhome of India Pvt. Ltd.	50,00,000
7. M/s. Ex-Cell-O Corp. India Ltd.	20,00,000
8. M/s. Seshasayee Bros.	2,00,00,000
9. M/s. Premier Tyres Ltd. Bombay	30,00,000
10. M/s. Lederle Laboratories India (Pt.) Ltd.	25,00,000
TOTAL	11,07,00,000

National Tribunal for Cantonment Employees

1195. Shri S. M. Banerjee: Will the Minister of **Defence** be pleased to state:

(a) whether the Cantonment Board Employees have protested against the award of the National Tribunal;

(b) if so, what are their specific demands; and

(c) the steps taken by Government?

The Deputy Minister of Defence (Sardar Majithia): (a). Yes, Sir. The All India Cantonment Board Employees Federation, the Cantonment Board Employees Union, Ferozepur Cantt., and the Secunderabad Cantonment Municipal Mazdoor Sangh represented against the award of the National Tribunal.

(b) That the pay-scales fixed by the National Tribunal should be revised and that a Pay Commission with full powers should be appointed for the purpose.

(c) As the Award of the National Tribunal is binding on Cantonment Boards and their employees for a period of one year in the first instance, the question of Central Government taking any steps in respect of demands already adjudicated by the Tribunal does not arise.

प्रतिरक्षा मंत्रालय के कर्मचारी

११९६. **श्री भक्त दर्शन** : क्या प्रतिरक्षा मंत्री ९ सितम्बर, १९६० के अतारांकित प्रश्न संख्या २४५९ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि प्रतिरक्षा मंत्रालय के प्रतिरक्षा मंत्रालय के कर्मचारियों और सशस्त्र सेना मुख्यालय के असैनिक कर्मचारियों को एक ही वर्ग में मिला देने का जो प्रश्न विचाराधीन था, उसके बारे में क्या निर्णय किया गया है ?

परिरक्षा उपमंत्री (श्री रघुरामैया) : प्रतिरक्षा मंत्रालय के सुझाव अभी गृह मंत्रालय के विचाराधीन हैं ।

भारत में पकिस्तानी राष्ट्रजन

११९७. **श्री प्रकाशवीर शास्त्री** : क्या गृह-कार्य मंत्री ६ सितम्बर, १९६० के अतारांकित प्रश्न संख्या २१५२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंग कि :

(क) इस समय कितने पाकिस्तानी बिना पारपत्र के अवैध रूप से भारत में रह रहे हैं क्या इसका पता लगा लिया गया है;

(ख) क्या इन में से कुछ राष्ट्र-विरोधी कार्यवाहियों में भाग लेने के लिय पकड़े गये हैं; और

(ग) क्या सरकार इस प्रकार के व्यक्तियों के सम्बन्ध में कुछ कड़े पग उठाने जा रही है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री दाता) : (क) से (ग). सूचना का एक विवरण सभा पटल पर रखा जाता है ।

विवरण

पंजाब के अतिरिक्त, जिनका उत्तर अभी आना है, सूचना निम्न प्रकार है :—

(क) इस समय कितने पाक्स्तिानी बिना पारपत्र के अवैध रूप से भारत में रहे हैं क्या इस का पता लगा लिया गया है ;	(क) जी हां । १ सितम्बर, १९६० को ऐसे व्यक्तियों की संख्या ५४३० थी ।
(ख) क्या इनमें से कुछ राष्ट्रविरोधी कार्यवाहियों में भाग लेने के लिये पकड़े गये हैं ; और	(ख) जी हां । तीन व्यक्ति ।
(ग) क्या सरकार इस प्रकार के व्यक्तियों के सम्बन्ध में कुछ कड़े पग उठाने जा रही है?	(ग) ऐसे मामलों में पहले ही उचित कार्यवाही की जा रही है।

Specific Relief Act

1198. Shri Ram Krishan Gupta: Will the Minister of **Law** be pleased to refer to the reply given to Unstarred Question No. 1651 on the 29th August, 1960 and state the progress made so far in drafting and soponsoring the Bill regarding Specific Relief Act?

The Minister of Law (Shri A. K. Sen): The Bill regarding Specific Relief is likely to be introduced in the current session of Parliament.

Birla Industrial and Technological Museum in Calcutta

1199. Shri Ram Krishan Gupta: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to refer to the reply given to Unstarred Question No. 1126 on the 20th August, 1960 and state:

(a) whether plans to expand the Birla Industrial and Technological Museum in Calcutta have been worked out; and

(b) if so, the details thereof?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b). It is proposed to develop the Museum in the seven galleries of:

(i) Motive Power
(ii) Transport
(iii) Mining & Metallurgy
(iv) Postal-Communication
(v) Electricity
(vi) Popular Science
(vii) Television and Electronics

The gallery on 'Postal-Communication' will be set up in 1962. The staff will also be suitably augmented. Depending upon the availability of funds it is proposed to construct in stages a multi-storeyed building to accommodate future expansion.

Child Murder in Defence Colony

1200. Shri Ram Krishan Gupta: Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 182 on the 3rd August, 1960 and state the result of the investigations made in the case of the murder of a three year old child in Defence Colony?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The investigation is nearing completion and the case against the accused will be put up in court shortly.

Artificial Satellite of U.S.A.

1201. Shri Raghunath Singh: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state whether it is a fact that India with other twenty countries is being invited by U.S.A. when its next artificial satellite is fired into space?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): We have no information.

Guns

1202. Shri M. R. Krishna: Will the Minister of **Defence** be pleased to state:

(a) what percentage of the guns produced for civilian use in Ordnace Factories are composed of components imported; and

(b) what was the price fixed for the first lot of guns manufactured in the Ordnance Factories for civilian use?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) All components of the guns produced in the Ordnance factories for civilian use are manufactured in India.

(b) A statement is laid on the Table. [*See* Appendix II, annexure No. 69].

Purchase of Electrical Equipment from Yugoslavia

1203. { Shri Morarka: / Shri Ram Krishan Gupta:

Will the Minister of **Finance** be pleased to refer to the reply given to

Unstarred question No. 282 on the 4th August, 1960 and state:

(a) whether the delegation which went to Yugoslavia to explore the possibilities of purchasing the electrical equipment and machinery from that country has since submitted its report and

(b) if so, what are their recommendations?

The Minister of Finance (Shri Morarji Desai): (a) and (b). Yes, Sir. The report of the delegation is for the confidential information of the Government of India to enable them to select equipment for development projects to be financed under the Yugoslav credit. Its contents cannot, therefore, be divulged.

Power Projects

1204. Shri D. C. Sharma: Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that a Development Loan Fund delegation visited India to study the scope and size of the five power projects proposed to be set up during the Third Five Year Plan period in India;

(b) if so, their findings; and

(c) whether any aid has been promised from Development Loan Fund for meeting the foreign exchange cost of the Projects?

The Minister of Finance (Shri Morarji Desai): (a) to (c). Three officials of the Development Loan Fund visited India between the 25th September and 12th October, 1960. They discussed with the Ministries of Finance, Commerce and Industry, Railways, Irrigation and Power, and Steel, Mines and Fuel matter mostly relating to the loan agreements already signed or loans that have been announced. They also acquainted themselves with aspects of development programmes on hand. They were on a routine visit. The question of findings or of promises does not arise.

विदेश भेजे गये सशस्त्र सेना के अफसर

१२०५. श्री पद्म देव : क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) जनवरी, १९६० से नवम्बर, १९६० तक भारतीय जल, स्थल और वायु सेना के कितने अफसर प्रशिक्षणार्थ विदेश भेजे गये; और

(ख) कितने विदेशी सैनिक अफसर भारत में भारतीय सैनिकों को प्रशिक्षण दे रहे हैं ?

प्रतिरक्षा उपमंत्री (सरदार मजीठिया) : (क) २० सनिक, ७ नौ सेना के और २४ वायुसेना अधिकारियों को, जनवरी से नवम्बर १९६० तक प्रशिक्षण के लिए विदेश भेजा गया था ।

(ख) कोई भी नहीं ।

Banking Unit in Kerala

1206. { Shri Warior: / Shri M. K. Kumaran:

Will the Minister of **Finance** be pleased to state:

(a) whether Reserve Bank of India had conducted any talks with Banks in Kerala State with a view to creating strong banking units by a process of amalgamation; and

(b) if so, with what result?

The Minister of Finance (Shri Morarji Desai): (a) Following the appointment of a provisional liquidator to the Palai Central Bank Ltd., one of the Executive Directors of the Reserve Bank of India held discussions with the representatives of some of the banks in Kerala in order to assess the banking situation generally in the State.

(b) The discussions were exploratory and informal and no specific scheme for amalgamation of banks was discussed.

Currency Expansion

1207. Shri Kalika Singh: Will the Minister of **Finance** be pleased to state:

(a) the indices of currency expansion in India in the past three years taking 100 as the index for 1948;

(b) the reasons for such expansion;

(c) whether Government are contemplating further expansion of currency; and

(d) if so, the reasons therefor?

The Minister of Finance (Shri Morarji Desai): (a) Figures of currency in circulation comparable with present figures are available from the end of the fiscal year 1948-49 only. Taking 100 as the index for the last Friday of 1948-49 the indices of currency with the public in the last few years work out as follows:

Last Friday of	Index Numbers
1956-57	118
1957-58	122
1958-59	131
1959-60	142

(b) The currency expansion is the result of a number of factors, the chief among which is the increase in production, trade and economic activity.

(c) and (d). Governments policy is to permit such increase in currency with the public as is required to meet the legitimate needs of agriculture, industry and trade in a growing economy.

Coal Supply to Steel Plants

1208. Shri Kalika Singh: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether the three producers of iron and steel *viz.* the Tata Iron and Steel Company, the Indian Iron and Steel Company and the Mysore Iron and Steel Works also suffered equally in the supply of coal and rail wagons as did the Durgapur, Bhilai and Rourkela Iron and Steel Works recently; and

(b) the figures of shortages for all the six projects aforesaid?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Yes, Sir.

(b) During the months of June, July and August, 1960, receipts were short of programme to the following extent.

The Tata Iron and Steel Co. Ltd.

	Tons.
June, 1960.	45,700
July, 1960.	37,400
August, 1960.	25,500

The Indian Iron and Steel Co., Ltd.

	Tons.
June, 1960.	49,400
July, 1960.	66,800
August, 1960.	47,800

The Mysore Iron and Steel, Works.

	Tons.
June, 1960.	2,000
July, 1960.	2,100
August, 1960.	3,200

Rourkela Steel Project.

	Tons.
June, 1960.	400
July, 1960.	48,300
August, 1960.	18,500

Bhilai Steel Project.

	Tons.
June, 1960.	15,800
July, 1960.	14,700
August, 1960.	16,500

Durgapur Steel Project.

	Tons.
June, 1960.	37,600
July, 1960.	42,400
August, 1960.	46,800

Bonus by L.I.C.

1209. Shri S. M. Banerjee: Will the Minister of **Finance** be pleased to state:

(a) whether the Life Insurance Corporation has since declared bonuses for the year ending 31st December, 1957 on the Life-Business of the Corporation itself and that of the old units; and

(b) whether as a result of this delay many policies have lapsed?

The Minister of Finance (Shri Morarji Desai): (a) No, Sir.

(b) No, Sir.

Foreigners' Property in Punjab

1210. Shri Hem Raj: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of properties purchased by foreigners in the Punjab State from 1957 to 1960 and the value thereof; and

(b) whether those foreigners have obtained Indian citizenship rights?

The Minister of Home Affairs (Shri G. B. Pant): (a) Ten properties of the value of Rs. 2,51,500.

(b) No.

Visit by Ministers to Kashmir

1211. Shri Subiman Ghose: Will the Minister of **Home Affairs** be pleased to state:

(a) whether any Union Minister went to hill stations in India on official business including Kashmir any time in May and June, 1960; and

(b) if so,

(i) who are the Ministers;

(ii) the purpose of their visit;

(iii) cost incurred by the Government of India;

(iv) number of days of their stay in the station they visited; and

(v) the places of their stay?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). Information is being collected and will be laid on the Table of the House.

महालेखापाल कार्यालय, ग्वालियर

१२१२. **श्री रा० च० शर्मा :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) महालेखापाल (अकाउन्टेंट जनरल), ग्वालियर के कार्यालय के उन कर्मचारियों के विरुद्ध क्या कार्यवाही की गई है जिन्होंने १२ और १३ जुलाई, १९६० को हड़ताल की थी;

(ख) क्या सरकार कुछ कर्मचारियों को नौकरी से अलग करने तथा पदावनति करने की कार्यवाही करने के प्रश्न पर भी विचार कर रही है और यदि हां, तो उन के विरुद्ध कौन से विशेष आरोप लगाये गये हैं;

(ग) क्या यह सच है कि जिन कर्मचारियों के विरुद्ध अनुशासन सम्बन्धी कार्यवाही की जा रही है उन सब ने हड़ताल में भाग लेने पर खेद प्रकट किया है और प्रशासन के प्रति वफादार रहने का आश्वासन दिया है; और

(घ) क्या यह सच है कि अन्य स्थानों पर महालेखापाल के कार्यालयों में हड़ताल में भाग लेने वाले कर्मचारियों के विरुद्ध इतनी कड़ी कार्यवाही नहीं की गई है ?

वित्त मंत्री (श्री मोरारजी देसाई) : (क) पांच व्यक्तियों को बरखास्त कर दिया गया या नौकरी से हटा दिया गया और १४ व्यक्तियों को दूसरे दण्ड दिये गये । इन में उन दो अस्थायी कर्मचारियों के मामले शामिल नहीं हैं जिनकी नौकरी केन्द्रीय असैनिक सेवा (अस्थायी सेवा) नियम १९४९ के अनुसार समाप्त कर दी गयी थी ।

(ख) अनुशासन सम्बन्धी कार्रवाई करने वाले अधिकारियों के पास और कोई मामला विचाराधीन नहीं है ।

(ग) मांगी गयी सूचना इकट्ठी की जा रही है और उसे, मिलते ही, सभा की मेज पर रख दिया जायेगा ।

(घ) दूसरे महालेखापालों (अकाउण्टण्ट-जनरलों) के कार्यालयों में भी उसी प्रकार के दण्ड दिये गये हैं जिनका जिक्र प्रश्न के भाग (क) के उत्तर में किया गया है ।

Age Limit for Higher Secondary Examination

1213. Dr. Ram Subhag Singh: Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that students below the age of sixteen are not allowed to appear in their higher secondary examination in Delhi;

(b) whether it is also a fact that this restriction is not imposed on the students appearing for their higher secondary examinations in other States; and

(c) if so, whether a uniform policy would be laid down for guidance of all the State Governments?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes, Sir.

(b) The required information is not readily available and is being collected from the various States.

(c) The matter will be examined after the information in respect of part (b) has been collected from the States.

Sports in Cantonments

1214. Shri M. R. Krishna: Will the Minister of **Defence** be pleased to state:

(a) whether there is any scheme with the Cantonment Boards to encourage sports in the Cantonment limits;

(b) whether the Defence Ministry has set apart any amount since the creation of elected Cantonment Boards to give sports fields for the people living in the Cantonment areas; and

(c) whether sports fields discarded by the military personnel in Secunderabad Station will be given over to the civilians for the development of sports?

The Deputy Minister of Defence (Sardar Majithia): (a) No scheme of common application by all Cantonment Boards for encouragement of sports in Cantonments exists. While a large number of Cantonment Boards have provided playfields in Cantonments, one or two Cantonments have also ear-marked funds for expenditure on sports annually.

(b) Government have so far sanctioned Rs. 87,251 during the current Plan period as special grants-in-aid to Cantonment Boards for providing playfields and parts in addition to what the latter have themselves spent.

(c) Question does not arise as no sports field has been discarded by the military in Secunderabad.

Shoe Making Machines

1215. Shri M. R. Krishna: Will the Minister of **Defence** be pleased to state:

(a) what is the annual requirement of shoes and other footwear for the Defence personnel; and

(b) what is the percentage met from their own productions?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) It is not in the public interest to reveal the figures of annual requirements of shoes and footwear for the Defence personnel. The following items of footwear are used by Defence personnel:—

1. Shoes black leather.
2. Shoes white Rope Soled.

3. Shoes canvas white (leather soled).
4. Shoes canvas brown/white.
5. Boots Ankle.
6. Boots Rubber knee.
7. Boots Jungle No. 2.
8. Boots combat rubber.
9. Chapplies black special type.
10. Chapplies Hospital.
11. Sandals black leather.

(b) Excepting chapplies and sandals which are being procured from Ordnance Factories all other types of footwear are being obtained from trade through the Director General of Supplies and Disposals.

Reservation for Scheduled Castes/ Tribes in the Armed Forces

1216. Shri B. C. Kamble: Will the Minister of **Defence** be pleased to refer to the reply given to Starred Question No. 853 on the 29th August, 1960 and state:

(a) the areas and the corresponding units as indicated in the answer with reference to reserving certain units for the members of the Scheduled Castes and Scheduled Tribes from certain areas for recruitment to non-commissioned ranks of the Army; and

(b) the criteria adopted in deciding the units and areas for making reservations for the members of the Scheduled Castes/Tribes in non-commissioned ranks of the Army?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) The units in which recruitment is made entirely from Scheduled Castes and the particular categories of Scheduled Castes recruited to them are stated below:—

Sikh Light Infantry (Entire Regiment)	"Mazhabi" and "Ramdasia" Sikhs

Mahar Regiment (four battalions): Mahars.

The States where the above mentioned categories of Scheduled Castes are normally resident are given in the Constitution (Scheduled Castes) Order, 1950, as amended from time to time.

In addition to the above, in the following units, there is partial reservation for Scheduled Castes and Scheduled Tribes as indicated against them:—

Bombay Engineering Group.	40% for "Mazhabi" and "Ramdasia" Sikhs.
Bihar Regiment	50% for Bihari "Adibasis" *viz.*, all the Scheduled Tribes listed under the State of Bihar in the Constitution (Scheduled Tribes) Order 1950, as amended from time to time.

(b) The reservations mentioned above are a legacy of the past and for various administrative reasons it has not been considered expedient to make any radical change in the composition of the units concerned. There is no reservation for particular categories of Scheduled Castes/Tribes with regard to areas. They are normally recruited from the areas where they are concentrated in large numbers.

Law Commission's Report

1217. Shri Ram Krishan Gupta: Will the Minister of **Finance** be pleased to refer to the reply given to Unstarred Question No. 1127 on the 20th August, 1960, and state:

(a) whether the report of the Law Commission in regard to Income-tax Act has been considered;

(b) if so, the decision of the Government of India thereon; and

(c) the steps intended to be taken in regard to implementation thereof?

The Minister of Finance (Shri Morarji Desai): (a) to (c). The main recommendation of the Law Commission *viz.* the abolition of the Appellate Tribunal has not been accepted by the Government. The recommendations of the Law Commission on the Income-tax Act which are embodied in the draft prepared by the Commission are under examination in the Ministry of

Finance (Department of Revenue) in consultation with the Ministry of Law in connection with the preparation of a comprehensive Bill. In preparing this Bill, the recommendations of the Direct Taxes Administration Enquiry Committee requiring legislative amendments which have been accepted by the Government will also be taken into consideration. This Bill will be introduced in the Lok Sabha in due course.

शरणार्थी आदिवासी

१२१८. **श्री डामर** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बलजीत नगर (काला पहाड़) में बसने वाले शरणार्थी आदिवासियों अथवा उनके प्रतिनिधियों ने गृह-मंत्री या अनुसूचित जातियों तथा अनुसूचित आदिम जातियों के आयुक्त को एक अभ्यावेदन भेजा है जिसमें यह प्रार्थना की गई है कि उनके लिये आवश्यक सुविधाओं और जीवन-निर्वाह के साधनों की व्यवस्था की जाये; और

(ख) यदि हां, तो उस पर अब तक क्या निर्णय या कार्यवाही की गई है ?

गृह-कार्य उपमंत्री (श्रीमती आल्वा) : (क) गृह मंत्री को कोई अभ्यावेदन प्राप्त नहीं हुआ था, किन्तु अनुसूचित जातियों तथा अनुसूचित आदिम जातियों के आयुक्त के पास कुछ अभ्यावेदन आये थे ।

(ख) मुख्य मांग राजस्थान में जमीन के वण्टन (Allotment) के लिये की गई थी । अनुसूचित जातियों तथा अनुसूचित आदिम जातियों के आयुक्त राजस्थान सरकार के साथ इस विषय पर पत्र व्यवहार कर रहे हैं ।

मध्य प्रदेश में आदिवासी

१२१९. **श्री डामर** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य प्रदेश के किस जिले में आदिवासी जनसंख्या का प्रतिशत सब से अधिक है;

(ख) उस जिले में आदिवासी कितने प्रतिशत हैं; और

(ग) क्या जिला झाबुआ भी उन जिलों में शामिल है जहां आदिवासियों का प्रतिशत अधिक है ?

गृह-कार्य उपमंत्री (श्रीमती आल्वा) : (क) और (ग). झाबुआ जिला ।

(ख) ९०·५ प्रतिशत ।

मध्य प्रदेश में ईसाई धर्म प्रचारक

१२२०. **श्री डामर** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य प्रदेश के झाबुआ जिले में गत पांच वर्षों में ईसाई धर्म प्रचारकों ने कितने भीलों को ईसाई बनाया ;

(ख) जिला झाबुआ में किन-किन स्थानों पर ईसाई धर्म प्रचारक रह रहे हैं;

(ग) प्रत्येक स्थान पर ईसाइयों की संख्या क्या है; और

(घ) ये ईसाई धर्म प्रचारक किन-किन देशों के हैं ?

गृह-कार्य मंत्री (श्री गो० ब० पन्त) : (क) सूचना उपलब्ध नहीं है क्योंकि एक धर्म से दूसरे धर्म में परिवर्तन का कोई रिकार्ड नहीं रखा जाता है ।

(ख) से (घ) सूचना सम्बन्धी एक विवरण-पत्र सभा पटल पर रख दिया है ।

विवरण

स्थान का नाम	ईसाइयों की संख्या		विदेशों की राष्ट्रीयता
	विदेशी	भारतीय	
झाबुआ	२	५००	जर्मन १ आयरिश १
ईशगढ़	१	२५०	जर्मन १
गोपालपुर	—	२५०	—
पंचकुई	१	३००	जर्मन १
थांडला	३	२०००	फ्रांसिसी २ जर्मन १
बमनिया	२	७१	कैनेडियन २
जोहट	६	३१७	कैनेडियन ४ ब्रिटिश २
मेन्ढा	२	२५६	कैनेडियन २
अमखूट	४	६००	कैनेडियन ३ अमरीकन १
अलीराजपुर	२	८	कनेडियन २
योग	२३	४५५२	

मध्य प्रदेश में आदिवासी क्षेत्र

१२२१. **श्री डामर** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५२ के पश्चात् मार्च, १९६० तक की अवधि में केन्द्रीय सरकार के कौन-कौन से मन्त्रियों ने कब-कब मध्य प्रदेश के झाबुआ और धार जिलों के आदिवासी क्षेत्रों का दौरा किया; और

(ख) केन्द्रीय मंत्रियों ने जो दौरे किये उनका उद्देश्य क्या था और अपने दौरों के बाद उन्होंने केन्द्रीय सरकार को क्या सूचना दी ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री दातार) : (क) और (ख). सूचना इकट्ठी की जा रही है और यथा समय सभा-पटल पर रख दी जायेगी।

मध्य प्रदेश में आदिवासियों की बस्तियां

१२२२. **श्री डामर** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य प्रदेश के झाबुआ जिले में आधुनिक आदिवासी सामूहिक बस्ती योजना के अन्तर्गत कितनी सामूहिक आदिवासी बस्तियां आज तक बसाई गई हैं; और

(ख) ऐसी बस्तियों में प्रत्येक घर के लिये कितनी रकम दी गई है ?

गृह-कार्य उपमंत्री (श्रीमती आल्वा) : (क) अभी तक ऐसी कोई बस्ती नहीं बसाई गई है । वर्तमान वित्तीय वर्ष में राज्य सरकार अनुसूचित आदिम जाति के २५ परिवारों के लिये एक बस्ती झाबुआ जिले में बसाने का विचार रखती है ।

(ख) उस बस्ती में हर एक मकान के निर्माण के लिये ५०० रुपये की आर्थिक सहायता (Subsidy) दी जायेगी ।

केन्द्रीय सरकार में मध्य प्रदेश के अधिकारी

१२२३. **श्री डामर** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सरकार के दफ्तरों में मध्य प्रदेश राज्य सरकार के कितने अधिकारी किन-किन पदों पर आसीन हैं; और

(ख) इन में से कितने ऐसे अधिकारी हैं जो आई० ए० एस० हैं ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री बातार) : (क) इस समय अखिल भारतीय सेवाओं के मध्य प्रदेश कैडर (cader) के २८ अधिकारी केन्द्रीय सरकार में नियुक्त हैं । इनमें से —

१ अपर सचिव है

३ संयुक्त सचिव हैं

७ उप सचिव हैं

२ अवर सचिव हैं

शेष १५ क्षेत्र पदों (फील्ड पोस्ट्स—field Posts) पर नियुक्त हैं ।

(ख) १९ ।

Playgrounds in Schools

1224. Dr. Ram Subhag Singh: Will the Minister of **Education** be pleased to state:

(a) the States which took advantage of the Central aid to have playgrounds in schools during 1958-59 and 1959-60;

(b) the amount of Central aid given to them for this purpose during 1958-59 and 1959-60; and

(c) whether there is any proposal to give aid for constructing gymnasia in schools?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). 1958-59—Nil.

1959-60.

Name of the State	*Amount of grant*
	Rs.
1. Orissa.	24,000
2. Madhya Pradesh.	40,000
3. West Bengal.	1,20,500
4. Bihar.	80,500
5. Kerala.	56,000
6. Bombay.	1,28,500
7. Punjab.	80,500
8. Uttar Pradesh	1,12,500
9. Madras.	72,500
10. Rajasthan.	32,000
11. Andhra Pradesh.	56,500
12. Mysore.	40,500
13. Assam.	40,000
14. Jammu and Kashmir.	16,000
TOTAL	9,00,000

(c) There is no specific proposal to give aid for constructing Gymnasia in schools but under the Campus Work Projects Scheme grants are given to various educational institutions of higher secondary standard and above for the construction of Recreation Halls-*cum*-Auditoria, Swimming Pools Stadia, Gymnasia etc.

Monuments in Uttar Pradesh

1225. Shrimati Mafida Ahmed: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether any ancient monuments under the protection of the Central Department of Archaeology have been

damaged during the devastating floods in Uttar Pradesh;

(b) if so, the nature and extent of the damage; and

(c) the steps taken to set it right?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) Some monuments suffered damage but not of a serious nature. Horizontal cracks occurred in the roof of the dalans in the fore-court of the Imambara of Asafuddaula at Lucknow and small breaches in the eastern compound wall of the Residency Buildings at Lucknow were also noticed. A few other cases of cracks in other monuments at Lucknow were also observed but they are of minor nature.

(c) Pillars have been constructed to serve as additional supports to the roof of the dalan of the Imambara. Relaying of the concrete and grouting will be undertaken to strengthen the roof. The breaches of the compound wall of the Residency will be repaired. Other minor damages to the monuments will also be attended to at the time of annual repairs.

Bonus for L.I. Policy Holders for 1958-59

1226. Shri Balakrishnan: Will the Minister of **Finance** be pleased to state:

(a) whether bonus for the policy holders of Life Insurance was announced for the year 1958;

(b) if so, whether the bonus was disbursed to the policy holders; and

(c) if not, the reasons for not disbursing the bonus?

The Minister of Finance (Shri Morarji Desai): (a) to (c). Bonuses are declared out of the surpluses emerging at periodical actuarial valuations. The Corporation's statutory valuation as at 31st December, 1959 is in progress and the period for which the Bonuses will be declared as a result of that valuation will include the year 1958 also.

Delhi Central Jail, Tihar

1227. { Shri Radha Raman:
{ Shri Shree Narayan Das:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether some substantial changes are being made in the Delhi's Central Jail at Tihar, including any new block;

(b) what are the details of these changes and what amount will they involve; and

(c) the reasons which required these changes?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). It is proposed to construct fifty rooms of pre-fabricated material capable of accommodating 20 persons in each room. An expenditure of Rupees three lakhs is likely to be incurred on the construction and fencing.

(c) To provide more accommodation for prisoners.

Grant for Encouraging Dances

1228. Kumari M. Vedakumari: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether any grants were given by the Sangeet Natak Academi for encouraging other than Manipuri form of dances in the country during 1958-59 and 1959-60;

(b) if so, what are those forms of dances; and

(c) the grants given during the above period?

The Deputy Minister for Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) Kuchipudi, Bharat Natyam, Kathakali, Modern Ballet (Mixed

dance form), Chhow (Seraikella and Mayurbhanj Styles) Yakshagana, Orissi, Folk dances and Kathak.

(c) Grants totalling Rs. 4,17,504 were sanctioned which include grants to institutions teaching music in addition to dance.

Delhi School of Social Work

1229. **Shri Radha Raman:**
Shri Shree Narayan Das:

Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that the management of Delhi School of Social Work is being undertaken by the Delhi University from its old management;

(b) whether any conditions are attached to this transfer since it belonged so far to a private body;

(c) if so, what are those conditions; and

(d) what new features this Institution will have introduced after this taking over?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (d). The Executive Council of the University of Delhi has decided to accept a proposal made by the management of the Delhi School of Social Work that the School be taken over by the University and organised as a University-maintained institution. A Committee has also been appointed by the University to work out the details and to suggest the steps to be taken to give effect to the proposal. While no new features are at present envisaged, the intention is to place the School on a permanent and stable footing.

Since the proposal involves financial implications, the University has referred the same to the University Grants Commission for approval. The proposal will be considered by the Commission in due course.

Backward Classes

1230. **Shri N. R. Muniswamy:**
Shri Tangamani:
Shri B. C. Kamble:
Shri B. K. Gaikwad:

Will the Minister of **Home Affairs** be pleased to state what are the decisions arrived at the recent conference of State Ministers in charge of Backward Classes held in Delhi in or about 24th October, 1960?

The Deputy Minister of Home Affairs (Shrimati Alva): A statement showing the recommendations of the Conference of State Ministers incharge of welfare of Backward Classes held at New Delhi on the 24th and 25th October, 1960, is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 70].

Indian Teachers Abroad

1231. **Shri Kalika Singh:** Will the Minister of **Education** be pleased to state:

(a) whether Indian teachers are on the staff of West Africa University College of Ghana, University College Ibadan of Nigeria, East Africa University College of East Africa, West Indies University College of West Indies, University of Hong Kong, University of Malaya and University of Malta; and

(b) whether other Commonwealth countries have teachers of their countries on the staff of the aforesaid universities?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The Government have no information in this regard.

Central Government Employees Strike

1232. **Shri Balkrishna Wasnik:** Will the Minister of **Finance** be pleased to state:

(a) the number of employees proceeded with for disciplinary actions

and punished with major penalties as stated in the Central Civil Services (Classification and Appeal) Rules after the recent strike of the Central Government employees in the various offices of the Indian Audit and Accounts Department for violation of (i) Rule 4-A (ii) Rule 4-B, of the Central Civil Services (Conduct) Rules, 1955;

(b) the particulars of the punishments inflicted in the various offices of the Indian Audit and Accounts Department;

(c) whether employees thus proceeded with were picked up for their past record and include some of the employees who were not actively associated with the strike and its organisation particularly at Nagpur; and

(d) if so, the punishments imposed or proposed to be imposed on such employees?

The Minister of Finance (Shri Morarji Desai): (a) Disciplinary action was initiated against 1,149 employees. Penalties (both major and minor) were imposed on 700 employees. Twenty eight of them were dismissed/discharged/removed from service. The remaining 672 were awarded other penalties.

(b) A statement containing the requisite information is laid on the Table of the House. [*See* Appendix II, annexure No. 71].

(c) No, Sir. The disciplinary proceedings were initiated with reference to the conduct of the employees concerned immediately before, during and immediately after the strike.

(d) Does not arise.

Wonder World of Science

1233. Shri D. C. Sharma: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether any steps are being taken to expedite the publication of the nine volumes of 'Wonder World of Science' in Hindi and other Indian languages; and

(b) if so, the details thereof?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) and (b) Yes, Sir. Cheap editions of Volume I of this series have been brought out in Hindi, Bengali, Marathi and Tamil with financial help from Government. Action to bring out translations of the remaining volumes and production of Volume I in other Indian languages, is in hand.

Preservation of Rare Manuscripts

1234. Shri D. C. Sharma: Will the Minister of **Education** be pleased to state:

(a) whether any research has been made into the most effective means of preserving old and rare manuscripts and books; and

(b) if so, the results thereof?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The National Archives of India has Research Laboratory of its own to conduct research on various problems facing Indian archival repositories and libraries. Some of the work done in the Research Laboratory has been recognised in the countries abroad. For instance, a process of repair of manuscripts coated with clay and forming a part of collection among Gilgit manuscripts using chiffon—Cellulose Acetate—acetone was developed in this laboratory in 1951. The process was subsequently used for repair of manuscripts containing water soluble inks and colours in 1952, and has now been accepted as one of the approved repair processes by other countries under the name 'Solvent Lamination'. The performance of this Indian process has been found comparable to that of 'Machine Lamination' developed by National Bureau of Standards, Washington. This Laboratory, besides being engaged in re-

search work of its own, is also helping other record offices in India by rendering technical advice on various aspects of preservation and is in constant touch with the advances made in this field in other countries. The Department of Archives has also published a brochure entitled "Repair and Preservation of Records" which contains detailed information on the subject. Copies of the brochure have been placed in the Parliament Library.

Historical Relices at Burzahom, Jammu and Kashmir State

1235. Dr. Ram Subhag Singh: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that relics of pitdwellers have been found at Burzahom (Jammu and Kashmir) while carrying on excavations; and

(b) if so, whether any new historical information has been found there?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) The material is under study and further work is required to draw authentic conclusions.

तरल सोने का तस्कर व्यापार

१२३६. श्री ब्रजराज सिंह : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि देश के बाहर से बड़े पैमाने पर चोरी-छिपे तरल सोना देश के अन्दर लाया जाता है जिससे सरकार को बड़ी आर्थिक हानि उठानी पड़ती है ;

(ख) तरल सोने के इस तस्कर-व्यापार को रोकने के लिये सरकार ने क्या कदम उठाये हैं ;

(ग) क्या यह सच है कि फीरोजाबाद में जहां तरल सोना बड़े पैमान पर चोरी-छिपे लाया जाता है गत वर्ष यह बड़ी मात्रा में पकड़ा गया था ;

(घ) यदि हां, तो इस तस्कर-व्यापार से संबंधित विदेशियों के विरुद्ध क्या कार्यवाही की गई ; और

(ङ) तरल सोने के तस्कर-व्यापार को समाप्त करने के लिय सरकार निकट भविष्य में क्या सक्रिय कदम उठाने का विचार कर रही है ?

वित्त मन्त्री (श्री मोरारजी देसाई): (क) भारत के सीमा-शुल्क और केन्द्रीय उत्पादन- शुल्क विभागों के अधिकारियों ने सन् १९५८, १९५९ और १९६० में (३१-१०-१९६०) तक क्रमश: १५४,१४२७ और ७५० औंस तरल सोना यानी हिल (लिक्विड गोल्ड) पकड़ा जो चोरी-छिपे लाया गया था । लेकिन सिर्फ इसी एक बात से यह अनुमान नहीं किया जा सकता कि बड़े पैमाने पर तरल सोना चोरी-छिपे लाया जाता है ।

(ख) तरल सोने आदि निषिद्ध (कौष्ट्राबैण्ड) वस्तुओं को चोरी छिपे लाने, ले जाने की रोकथाम के लिए समय समय पर तरह तरह के कानूनी और प्रशासनिक उपाय किय गये हैं । इन उपायों में य शामिल हैं (१) चोरी-छिपे माल लाने, ले जाने की रोकथाम में लगे हुए सीमाशुल्क अधिकारियों (कस्टम आफिसर्स) के, तहकीकात सम्बन्धी अधिकारों में वृद्धि, (२) जिन समुद्री और हवाई जहाजों के बारे में सन्देह पैदा हो जाय उनकी तलाशी बारीकी से लेना, (३) समुद्री सीमा और स्थल सीमा के उन भागों का नियमित और आकस्मिक गश्त जहां से चोरी-छिपे माल आ, जा सकता है, (४) जो सूचना मिले उसके आधार पर जल्द कार्रवाई । समुद्री सीमा शुल्क अधिनियम के अनुसार भारी जुर्माने किय जाते हैं जिनमें चोरी-छिपे लाये गये माल की जब्ती भी शामिल है । इसके अलावा उपयुक्त मामलों में मुकदमे भी चलाये जाते हैं ताकि अपराधी को कड़ी सजा मिले जिससे दूसरों के मन में भी डर पैदा हो सके । विभिन्न क्षेत्रीय संगठनों की, चोरी-छिपे माल

लाने ले जाने की रोकथाम की कार्रवाइयों में ज्यादा अच्छा तालमेल बैठाने के लिए केन्द्र में राजस्व गुप्त सूचना निदेशालय (डायरेक्टरेट आफ रेविन्यू इण्टेलिजेंस) भी कार्य कर रहा है ।

(ग) फीरोजाबाद में १९५९ में वहां के व्यापारियों के पास चोरी छिपे लाया गया २३४ औंस तरल सोना—यानी हिल पकड़ा गया ।

(घ) चोरी-छिपे माल लाने ले जाने के इस मामले में किसी विदेशी का हाथ नहीं था ।

(ङ) तहकीकात से पता चलता है कि भारत के दक्षिण-पूर्वी समुद्रतट के रास्ते खास तौर से श्रीलंका से चोरी छिपे तरल सोना लाया जाता है । निषिद्ध (कौण्ट्राबैण्ड) माल बेड़ों से समुद्रतट पर कम पहुंच वाली जगहों पर बेवक्त उतारा जाता है । सन्देहजनक समुद्री क्षेत्रों में गश्त लगाने के लिए खास तौर से कार्रवाई की गयी है ।

Madhya Pradesh State Liaison Officer at Delhi

1237. Shri Achar: Will the Minister of **Home Affairs** be pleased to state:

(a) whether Madhya Pradesh State Government has appointed a State Liaison Officer at Delhi; and

(b) whether the Union Government have any dealings with the said officer?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) No. The State Government had, however, informed the Government of India that one of their officers had been appointed, in addition to his duties, to furnish factual information in respect of Madhya Pradesh to Members of Parliament from that State. The headquarters of this officer is at Bhopal but he is required to visit Delhi once or twice during the period Parliament is in session. His duties do not require him to do any liaison work between the State Government and the Central Government.

(b) Does not arise.

Issue of Bonus Cards to Policy Holders

1238. Shri Yadav Narayan Jadhav: Will the Minister of **Finance** be pleased to state:

(a) when do the Life Insurance Corporation propose to issue bonus cards to the policy holders;

(b) whether it is a fact that the rates of bonus have not been decided upon by Government; and

(c) if not, what are the reasons of the delay?

The Minister of Finance (Shri Morarji Desai): (a) to (c). The valuation of the Corporation's assets and liabilities as on 31st December, 1959 as also determination of bonus indices for purposes of declaring 'differential' bonuses are extremely heavy and of complicated nature. The Corporation is actively seized of the problem and the bonuses are expected to be declared by the middle of 1961. Soon thereafter, the preparation of bonus cards will be taken in hand.

Airmen in I.A.F.

1239. Shri S. M. Banerjee: Will the Minister of **Defence** be pleased to state:

(a) whether new pay scales as recommended by the Pay Commission have not been implemented in case of those civilian employees in Air Force who are in the vacancies of airmen; and

(b) if so, what steps Government propose to take to extend the benefits of new pay scales in case of such civilian employees?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) No revised pay scales have been specifically recommended by the Second Pay Commission for this category of personnel.

(b) The question of fixing suitable revised pay scales for them is under consideration of the Government?

Aid to Theatre Organisations

1240. Shri L. Achaw Singh: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to refer to the reply given to Starred Question No. 128 on the 16th November, 1960 and state the aid sanctioned to different theatre organisations in the Union Territories during 1960-61 so far?

The Deputy Minister for Scientific Research and Cultural Affairs (Dr. M. M. Das): Nothing sanctioned so far.

Land Revenue in Manipur

1241. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that more than Rs. 10 lacs of arrears of land revenue have not been realised by the Manipur Administration during the current year;

(b) whether the arrears have not been realised for several years; and

(c) if so, the reasons therefor?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). The information is being collected and will be laid on the Table.

Police Housing

1242. { Shri S. A. Mehdi: / Shri P. G. Deb:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether any programme has been finalised for police housing in the States; and

(b) if so, the amount given to each State for the purpose?

The Minister of Home Affairs (Shri G. B. Pant): (a) Since 1956, the Government of India have been advancing loans to State Governments to assist them in implementing their Police Housing Schemes.

(b) A statement showing the amounts given to the States as loan so far is placed on the Table of the House. [*See* Appendix II, annexure No. 72].

D. H. Lawrence's Book "Lady Chatterley's Lover"

1243. Shri M. K. Kumaran: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the unexpurgated edition of D. H. Lawrence's "Lady Chatterley's Lover" is under a ban in India; and

(b) if so, whether Government propose to lift the ban on the book, in view of the judgment of an English court in favour of the publishers of an unexpurgated edition of the book?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). The Government of India are of the view that the unexpurgated edition of the book "Lady Chatterley's Lover" attracts the provisions of section 18(c) of the Sea Customs Act, 1878, which prohibits the bringing into the country of any obscene book. The judgment referred to in part (b) does not affect this view.

Counterfeit Currency Notes

1244. Shri Tangamani: Will the Minister of **Finance** be pleased to state:

(a) whether prosecutions and trials are now going on in Madras for counterfeiting 100-Rupee currency notes;

(b) if so, the total money recovered;

(c) what is the amount still in circulation through these counterfeit notes; and

(d) what steps are being taken to prevent such circulation?

The Minister of Finance (Shri Morarji Desai): (a) Yes, Sir.

(b) Counterfeit notes of the face value of Rs. 8,77,100 have been recovered by the police, according to the

information so far received from the State Government.

(c) It is not possible to assess the volume of such counterfeit notes in circulation, but there is no reason to think that the amount is large.

(d) The public have been alerted through the medium of the press about the particulars of the Series of counterfeit notes and further circulation of such notes has been rendered extremely difficult on account of the wide publicity given to these warnings.

Tobacco Cultivation

1245. Shri Ram Garib: Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that a number of cases of unauthorised cultivation of tobacco have been detected by Government in the States of Punjab, U.P., Rajasthan and Andhra Pradesh in the past two years;

(b) if so, what are their statistics, State-wise; and

(c) how many of them were prosecuted and what penalty was awarded to the culprits?

The Minister of Finance (Shri Morarji Desai): (a) Yes, Sir.

(b).

State	No. of cases detected in 1959 and upto October, 1960.
Punjab	47
Uttar Pradesh	198
Rajasthan	2
Andhra Pradesh	4,097

(c) Prosecution was not filed in any of the cases but action is taken departmentally against the offenders by the appropriate adjudicating authority in accordance with the Central Excise Rules.

Free Education in Delhi Government Schools

1246. Shri Ram Garib: Will the Minister of **Education** be pleased to refer to the reply given to Unstarred Question No. 1939 on the Ist September, 1960 and state:

(a) whether the decision has since been taken by Government to impart free education to students of Government schools in Delhi and New Delhi upto the Middle Standard; and

(b) if not, when the decision is likely to be taken and implemented?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) No, Sir.

(b) The matter is expected to be decided shortly.

Translation of Standard Works into Hindi

1247. { Shri Jhulan Sinha: / Shri Prakash Vir Shastri:

Will the Minister of **Education** be pleased to state the position with regard to the scheme of translation of standard works for education at University level into Hindi?

The Minister of State in the Ministry of Home Affairs (Shri Datar): A statement is laid on the Table of the Sabha.

STATEMENT

The following steps have been taken with regard to the implementation of the scheme of translation of standard works into Hindi:

(i) The details for the implementation of the scheme have been worked out and have been sent to the various State Governments and Universities for information and implementation;

(ii) About 200 titles of different books on various academic subjects have been selected for translation and these books have been allotted to

the various regions. Translation of one book "Two Essays on Civil Law" by John Locke has been brought out by the Hindi Samiti, Uttar Pradesh on behalf of the Government of India under the scheme;

(iii) In pursuance of the recommendation of the Standing Advisory Committee, Co-ordination Committees for supervision of work in their respective areas have been set up in Madhya Pradesh, Bihar and Rajasthan. Committees are also being set up in other States;

(iv) Copy-rights of the books to be translated are being obtained through the Hindi Samiti of the Government of Uttar Pradesh.

संग्रहालयों में रखी वस्तुयें

१२४८. **श्री प्रकाश वीर शास्त्री :** क्या वैज्ञानिक अनुसन्धान और सांस्कृतिक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सरकार के अन्तर्गत जितने संग्रहालय हैं क्या उनमें रखी वस्तुओं के परिचय आदि का विवरण सभी जगह हिन्दी में भी प्रदर्शित किया जाता है ; और

(ख) यदि नहीं, तो भविष्य में ऐसा करने के लिय क्या व्यवस्था की जा रही है ?

वैज्ञानिक अनुसन्धान और सांस्कृतिक-कार्य उपमंत्री (डा० एम० एम० दास) : (१) राष्ट्रीय संग्रहालय, नई दिल्ली :– राष्ट्रपति भवन में प्रदर्शित कला की वस्तुओं पर लेबिल हिन्दी और अंग्रजी में थे और यह ऐसे ही रहेंगे जब संग्रहालय अपनी नई इमारत में खुलेगा ।

(२) सालार जंग संग्रहालय और पुस्तकालय, हैदराबाद :–इस संग्रहालय में ज्यादातर लेबिल अंग्रजी में हैं । अब हिन्दी तेलुगु और उर्दू शीर्षक जोड़ने की भी शुरुआत हो गई है ।

(३) इंडियन वार मेमोरियल और (४) नशनल गैलरी आफ माडर्न आर्ट :– चीजों का वर्णन अंग्रजी में है । तकनीकी शब्दों के हिन्दी पर्याय बन जाने पर, उनका हिन्दी में वर्णन लिखने के बारे में विचार किया जायेगा ।

(५) पुरातत्व विभाग :— पुरातत्व विभाग के नियंत्रण के अधीन नीचे लिखे दर्शनीय स्थल और क्षेत्रीय संग्रहालय हैं और उनमें प्रदर्शनीय चीजों पर नीचे लिखे अनुसार लेबिल लगाये गये हैं —

१. अमरावती	अंग्रेजी और तेलगू ।
२. कोंडापुर	अंग्रेजी और तेलगू ।
३. नागार्जुनकोंडा	अंग्रेजी और तेलगू ।
४. बुद्ध गया	अंग्रेजी और हिन्दी ।
५. नालंदा	अंग्रेजी और हिन्दी ।
६. लाल किला नई दिल्ली	अंग्रेजी, हिन्दी और उर्दू ।
७. खजराहो	अंग्रेजी और हिन्दी ।
८. सांची	अंग्रेजी- लेबिल हिन्दी में भी लगाये जा रहे हैं ।
९. सेंट जार्ज किला मद्रास	अंग्रेजी और तामिल ।
१०. हम्पी	अंग्रेजी, तेलगू और कन्नड़ ।
११. सारनाथ	अंग्रेजी और हिन्दी ।
१२. भारतीय संग्रहालय, कलकत्ता (पुरातत्वीय अनुभाग)	अंग्रेजी, बंगला और हिन्दी ।

दक्षिण भारत के संग्रहालयों में हिन्दी के वर्णनात्मक लेबिल लगाने की कोशिश हो रही है ।

हिन्दी में आयकर निर्धारण आदेश

१२४६. **श्री प्रकाश वीर शास्त्री** : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) अपनी आय का ब्यौरा हिन्दी में भरकर देने वाले व्यक्तियों को आयकर निर्धारण सम्बन्धी आदेश हिन्दी में दिये जाने की आयकर विभाग ने क्या व्यवस्था की है ;

(ख) यदि अभी तक ऐसी कोई व्यवस्था नहीं की गई है तो ऐसा प्रबन्ध करने के लिए क्या कुछ ठोस कदम उठाये गये हैं ; और

(ग) यदि उपरोक्त भाग (ख) का उत्तर नकारात्मक हो, तो इसके क्या कारण है और कब तक इसकी व्यवस्था हो जायेगी ?

वित्त मंत्री (श्री मोरारजी देसाई) : (क) आयकर-निर्धारण आदेश (इनकम टैक्स असेसमेंट आर्डर) हिन्दी में जारी करने के लिए अभी कोई इन्तजाम नहीं है ।

(ख) आयकर विभाग में इस्तेमाल किये जाने वाले कई जरूरी फार्म, जैसे धारा २२(२), २२(४) और ३४ के अधीन कानूनी नोटिसों के फार्म, आयकर अधिनियम की धारा २६ के अधीन डिमांड नोटिस फार्म, आयकर-निर्माण फ र्म, आयकर की वापसी और आयकर-निर्धारण आदेशों आदि के खिलाफ अपील करने के लिए आवेदन पत्र (एप्लिकेशन फार्म) हिन्दी में छापे गये हैं और हिन्दी बोलने वाले करदाता उनका इस्तमाल कर सकते हैं । हिन्दी में एक पैम्फलेट भी छापा गया है जिसमें आमदनी के ब्योरे (रिटर्न) भरने के बारे में करदाताओं को जरूरी हिदायतें दी गयी हैं और जिन करदाताओं के पास ब्योरे (रिटर्न फार्म) हि दी में भेजे जाते हैं उनके पास यह पैम्फलेट भी भेज दिया जाता है । इन प्रारम्भिक कार्रवाइयों से आखिर में उन करदाताओं के लिए कर-निर्धारण आदेशों को (असेसमेंट आर्डर) हिन्दी में जारी करने में सुविधा होगी जो इन आदेशों को हिन्दी में चाह ते हैं ।

(ग) अभी करदाताओं की ओर से, हिन्दी में कर-निर्धारण आदेश जारी करने की मांग प्राय: नहीं है । हिन्दी में आदेश तभी जारी किये जा सकेंगे जब आयकर विभाग के अधिकरी हिन्दी में काफी योग्यता प्राप्त कर लेंगे और आयकर सम्ब धी कानून का, जिसमें आयकर की रिपोर्ट और दूसरे कानून भी शामिल है, हिन्दी में अनुवाद हो जायगा । इस काम समय लगेगा ।

National Institute of Basic Education

1250. Shri Ram Saran: Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that the National Institute of Basic Education is helping the Delhi Municipal Corporation to develop its 22 basic schools into model schools; and

(b) the salient features of the model schools?

The Minister of State in the Ministry of Home Affairs (Shri Dafar): (a) Yes, Sir.

(b) A statement giving the salient features of model schools is laid on the Table.

STATEMENT

The following are the salient features of a model Basic school:

(a) **Accommodation and premises.**— There should be enough accommodation for academic, craft and other non-academic work; the premises should have a clean, healthy and attractive look and the school should have facilities for a small garden, a tube-well and play-ground.

(b) **Teaching.**—The teaching staff should be trained in Basic education and teaching should be through 'correlation'. The entire work should be planned term-wise and month-wise

at the beginning of each session. Cumulative records should be kept of children's progress.

The school should have a good library and a science laboratory for senior grades.

(c) **Organisation.**—The Headmaster should have some funds at his disposal to incur some contingent expenditure. Model Schools should also be frequently supervised to give necessary guidance to the staff in their day-to-day work.

(d) **School-community relations.**—There should be greater co-operation between the school and the community.

(e) **School programme.**—Certain desirable activities, e.g., cleanliness, congregational prayers, students' self-government, community celebrations of festivals and national days etc. should form a part of regular and normal school routine.

(f) **Craft-work.**—Selection of crafts should be with reference to local conditions and according to educational potentialities of the crafts. Raw materials etc. should be available in time. A school museum should be built up to display various craft products and processes involved. There should also be suitable arrangement for the disposal of craft products.

Sports in Tripura

1251. **Shri Bangshi Thakur:** Will the Minister of **Education** be pleased to state:

(a) whether any amount of grant has been given to the Tripura Administration for raising the standard of sports; and

(b) if so, the amount given during the First Five Year Plan and the Second Five Year Plan periods?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes, Sir.

(b) First Five Year Plan—Rs. Nil.

Second Five Year Plan—Rs. 29,835.00.

Revaluation of the Rouble

1252. **Shri Raghunath Singh:** Will the Minister of **Finance** be pleased to state whether the proposed issue of the new Rouble is going to affect the Rupee or currency of India?

The Minister of Finance (Shri Morarji Desai): No, Sir. The proposed issue of the new Rouble will not affect the Indian Rupee or currency.

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12 hrs.

MOTIONS FOR ADJOURNMENT

TRANSFER OF BERU BARI UNION TO PAKISTAN, AND REFERENCE OF ACQUIRED TERRITORIES (MERGER) BILL TO STATE LEGISLATURES

Mr. Speaker: I have received a notice of adjournment motion in respect of the transfer of Berubari....

Shri Tridib Kumar Chaudhuri (Berhampore): It is not Berubari, Sir.

Mr. Speaker: Hon. Member is not the only hon. Member here. Shri Vajpayee's motion reads:

> "To discuss the confusing situation arising out of the contradictory statements made by the Prime Minister and the Chief Minister of West Bengal in respect of the transfer of Berubari Union to Pakistan."

Shri Tridib Kumar Chaudhuri has given notice of another adjournment motion:

> "The failure of the Government to comply with the provisions of Article 3 of the Constitution read with Article 168 in referring the proposed Acquired Territories (Merger) Bill, 1960 which seeks to provide for the merger....."

Now, no territory will be acquired or transferred or no boundary will be demarcated without the permission of this House. What is the meaning of questions and adjournment motions now? When the matter comes up here, it is for this House to take up the provision and say that the provision of the law had not been complied with or the opinion of the State Legislature is necessary and so on. During this process now we are not giving any direction. They will certainly act according to the Constitution. Anyhow, both these matters are here and if the hon. Prime Minister is pleased to make a statement or give some information, the House would like to hear him.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, I quite understand the desire of some hon. Members of the House that more light should be thrown on this rather unhappy controversy that appears to be going on about what has happened in the earlier stages of discussions in regard to Berubari. So far as I am concerned, I should like to clear this up and place all the facts in my possession before the House. I might suggest, subject to your approval and convenience, that I might do so at the next meeting of this House on Monday.

So far as the other matter is concerned, you suggested, Sir, that this might be raised then. Personally, I do not wish to raise any objection to a consideration of this separate matter but it is a legal matter that has been raised and really I do not know where the room for argument comes in. We referred this matter to the Supreme Court and we are endeavouring to act up to the advice of the Supreme Court.

Shri Tridib Kumar Chaudhuri: May I point out that it is all very well for the Government to say that they are trying to act up to the advice of the Supreme Court and may I also remind the Leader of the House that they have all along been very wrongly advised by their law officers so far as this matter is concerned? You will remember that when this matter first came up before this House—transfer of Berubari—our hon. friend Shri Tyagi pointed out that this matter could not be done without the consent of Parliament. Then the Prime Minister told us that his law officers and the Law Minister also had advised him that this matter need not come here . . . (*Interruptions.*)

Mr. Speaker: Then on whose advice shall the Prime Minister act? Would he advise that the Prime Minister should go on the advise of the hon. Member? . . . . (*Interruptions.*) Now, what is his point?

Shri Tridib Kumar Chaudhuri: So far as my adjournment motion is concerned, it does not refer to the transfer Bill—the proposed Constitution (9th Amendment) Bill. It relates to the Acquired Territories (Merger) Bill. It has been openly alleged and a Resolution has also been passed by the State Legislature that a proper reference has not been made and if my information is correct, the highest authority in the State had advised the departments concerned with the preparation of the Bill that the reference to the State Legislature was not correct. All sorts of stories are going about and almost all the leading newspapers in the country have commented upon this. We want a categorical answer and I have no objection to the suggestion of the Leader of the House that he would make a statement on Monday but the whole thing should be cleared up.

Shri Jawaharlal Nehru: I think the two matters are really quite apart and they should not be mixed up. In the statement that I shall make on Monday, I shall deal with—you may say—the first notice of adjournment motion. As I said, I am perfectly prepared to deal with the legal matter—the second part—but it should be dealt with separately, if you so choose. I cannot argue about the legal controversies. We have acted according to our lights, in accordance with the

[Shri Jawaharlal Nehru]

Judgment of the Supreme Court and the advice given by our law officers and I had given a copy of that advice to the Bengal Government. It may be—I do not know that the lawyers of the Bengal Government hold a different opinion. It is possible. But I do not wish any idea to subsist in the minds of any hon. Member that we wish to avoid any consideration of this matter in this House. I believe that some kind of notice of a motion came to me 2-3 days ago to discuss this matter and if you so wish, we shall fix a date to deal with it, to some extent by me, and, maybe, my colleagues may deal with the law.

Mr. Speaker: Let me know what exactly Shri Chaudhuri wants.

Shri Tridib Kumar Chaudhuri: My adjournment motion only refers to the defective reference to the Legislature with regard to the Acquired Territories (Merger) Bill. If I have understood the intention of the Government aright, this Government does not propose or is not required, according to their view, to refer the Constitution (9th Amendment) Bill to the West Bengal Legislature but so far as the Acquired Territories (Merger) Bill is concerned, the Home Minister and also the Prime Minister have said that this will have to be referred to the State Legislature. It has now been alleged in a Resolution passed by the West Bengal State Legislature that reference itself was defective and if my information is correct, the highest authority in the State....

Shri Jawaharlal Nehru: Who is the highest authority?

Shri Tridib Kumar Chaudhuri: The President.

Shri Jawaharlal Nehru: He is completely wrong in that assertion. The President has not said a word about this, orally or in writing.

Shri Tridib Kumar Chaudhuri: The President does not say a word about it. Let the Prime Minister look to the letter of the law. The President is obligated to refer this Bill to the West Bengal Legislature and if my information is correct, it was also pointed out . . . (*Interruptions.*)

Shri Jawaharlal Nehru: I have said, Sir, that I am agreeable for a discussion on this matter. We cannot discuss it in this piece-meal fashion. I do wish to sumit that he has repeatedly referred to the highest authority in the State. That reference is not justified. The highest authority has not taken exception or referred to it in any way at any time.

Some hon. Members *rose*—

Mr. Speaker: Order, order. Let me clear up the confusion. Before I take any decision I must know what exactly the point is. I am yet not able to understand what the point is. Under article 3—article 4 is consequential—when any delimitation or demarcation of boundaries and transfer or acquisition of areas take place they have ultimately to come to this House. A Bill is prepared and it is sent to the various concerned legislatures. After their opinion is ascertained the matter comes up here. Till that stage we do not give any directions whether the President should be advised by the Ministry to look into these matters. If there is anything wrong they will correct it. At each stage we do not intervene and say whether the President gave some wrong advice to the Prime Minister or the Prime Minister gave some wrong advice to the President. That is not under our purview. The rule says that the President's name should not be used for the purpose of influencing the debate.

* * *

Shri Jaipal Singh (Ranchi—West—Reserved—Sch. Tribes): I am sorry. Sir.....

*Expunged, as ordered by the Chair.

Mr. Speaker: Order, order. No hon. Member can stand when I am standing. What I would say is, so far as this matter is concerned, it is premature for us to go into it. The hon. Prime Minister agreed to have a debate. But what is the debate going to be? There must be some purpose. If we have any debate here it must lead to some particular action. Are we to advise hypothetically and academically as to what ought to be done under article 3 of the Constitution? Supposing we have a debate and we take a decision, if subsequently the matter comes up before the House in the usual way are we to say that we have already taken a decision, whether right or wrong, and therefore, we canot take exception to it.

As I said, the proper stage for us to consider it is when the Bill comes up here. Then we can find out and say whether it has not been properly referred to the State legislatures. That is the only stage when we can consider it; prematurely we cannot give advice as to what ought to be done. It is for the Executive to send the Bill to the legislatures and then place it in the proper manner before this House. If we commit ourselves in advance we will be stultifying ourselves. Therefore, this House is not competent to give advice as to what ought to be done before the final matter comes up here. That is my position. Even if the hon. Prime Minister should be willing to have a debate, I do not know what advice this House can give at this stage.

Shri H. N. Mukerjee (Calcutta-Central): There is one matter, Sir, which I would like to point out. A certain confusion has been created by certain statements appearing in the Press purporting to emanate from the Prime Minister here and from the Chief Minister of West Bengal.

Mr. Speaker: He is going to answer that point on Monday. There are two portions relating to this matter. I will read out one. The first one is about the different statements made by the hon. Prime Minister regarding consultations about the transfer of that property. The other portion is about the resolution in the Bengal Legislative Assembly where the Chief Minister said certain things. With respect to these two matters there will be an explanation by the hon. Prime Minister on Monday in detail.

The other matter is with respect to the transfer. There is a merger Bill. The question raised was as to what steps ought to be taken to refer it to the various concerned State legislatures before it comes up here. The hon. Member Shri Chaudhuri wants to suggest that a particular step ought to be taken according to what he considers to be some higher authority's opinion. Whatever it might be, it is premature for us to go into it now. We cannot go into it now and give some hypothetical advice as to what the Government should do, because afterwards when they do something we will be preventing ourselves from exercising our discretion and trying to say whether it is right or wrong.

Shri Tridib Kumar Chaudhuri: Sir, if you will bear with me for one minute.....

Mr. Speaker: Yes, I will bear with him for one minute.

Shri Tridib Kumar Chaudhuri: The matter is within the purview of this House because the hon. Prime Minister has already announced that this Bill has been sent to the concerned legislatures and one of the legislatures has said that the reference has not been proper, the reference has been defective, and the insinuation is that the legislature is being bypassed. That is the point to which I want to draw your attention.

Mr. Speaker: I am sorry I am not going to allow this now, even if the hon. Prime Minister should be willing. We do not know what we are going to

[Mr. Speaker]

discuss. It only shows that the hon. Prime Minister is willing to have this matter cleared up, but so far as the House is concerned we cannot at this stage give any advice as to what ought to be done and what ought not to be done. Tomorrow if the matter comes up after we have given our advice and we find that something wrong has been done, we will not be able to revise our advice and it will be impossible for us to say that it is wrong. Now, legal advice does not depend upon the majority or minority. We have to decide ultimately not merely on law but on facts also. We do not give any premature advice. Hon. Members ask me "if you disallow this what is the other method by which I can raise it up". I tell them: "You choose your method, but it is open to me to say whether that method is right or wrong; I cannot give any advice".

So I reject this adjournment motion. So far as this matter is concerned it will be adjourned to Monday when the hon. Prime Minister will make a complete statement regarding this matter.

Shri S. M. Banerjee (Kanpur): Sir, there is a third point. There was another adjournment motion which you rejected and that was about a specific point. News had emanated from Karachi that there was going to be some sort of a compromise on the Berubari issue by giving a portion of a particular area in Tripua. We would like to know about that.

Mr. Speaker: All that may be true. I disallowed it properly. Hon. Members have been putting a series of questions for some time past. Fortunately, on account of some kind of arrangement relating to Berubari—it may be that so far as Berubari is concerned something else may be substituted—we do not hear about any border shootings there. Almost every day questions were asked here as to how many persons were killed, how many crossed the river and so on and so forth. Whatever agreement has been entered into, that has set at rest all those controversies. If Berubari is not the area to be transferred, Government will find out some other manner in which the matter should be settled. During the course of negotiations if any adjournment motion comes in it will only amount to substituting the opinion of any individual Member or some groups of hon. Members of the decision to be taken by the Government which is responsible to this House. I do not want to anticipate what the Government ought to do or what advice it should give to the President. It is for the Government to take responsibility and then come to this House. It is open to this House to give its own opinion thereon. Therefore, during the course of negotiations if any adjournment motion is brought here I will have to disallow it. Therefore, I rightly disallowed that adjournment motion and I am not going to change my view.

Shri Jaipal Singh: May I, Sir, seek one clarification? I think you have given the correct ruling in regard to the stage at which the Parliament can assert itself, and that is when the Bill comes up before this House. But there is one stage about which I am not clear in my own mind, and that is whether the Parliament has got a preventive role or not; that is to say, if Parliament is aware of the fact that the President is doing something which perhaps should come within the purview of this Parliament can it stop him from doing it? In other words, what has been charged here is the fact that something has been done over which this House might not have been taken into confidence. They are trying to raise the point, in other words, that supposing a situation arises where the Council of Ministers or his Ministers ask him to do something which should not be in any way done without Parliament being seized of it, what is the position?

Mr. Speaker: It is given under the Constitution. Under the Constitution

this House is not entitled to go into the kind of advice that is given by the Ministers to the President. We have got a constitutional President. Therefore, we are not entitled to correct the advice given by the Ministers. If any action is taken, it is the Government that is responsible to this House. ** **

Shri Ranga (Tenali): Is it necessary for you, Sir, to give a ruling hypothetically?

Mr. Speaker: We are not going to enter into the question of advice given by the Ministers, as to what advice has been tendered and whether the President has accepted it or not accepted it. It is unnecessary to rake up this controversy. It is this Government that is responsible to this House and we are not going into the details as to what advice has been tendered. We go only by the action that ultimately comes about. Therefore, these rumours and other things ought not to be heeded to.

No opportunity will be given merely on the rumours about the advice or whatever it might be that appear in the newspapers.

Shri S. M. Banerjee: There was reference to the President. (*Interruptions*).

Shri Vajpayee: I tabled an Adjournment Motion and so I may be given an opportunity to explain the matter.

Mr. Speaker: Yes.

Shri Vajpayee: Apart from the contradictory statement by the Prime Minister and the Chief Minister of West Bengal, there is one more point which is exercising our minds and it is this: After the decision of the Supreme Court, is it not a fact that the Nehru-Noon agreement has been rendered null and void? It is open for the Government to arrive at a new agreement with the Government of Pakistan, but the Nehru-Noon Agreement, after the decision of the Supreme Court, has lost all its legal validity. How can we discuss the Nehru-Noon agreement and how this decision can be formulated on the basis of that agreement?

Mr. Speaker: Hon. Members need not discuss it. (*Interruptions*). Order, order. I cannot go on endlessly allowing such matters to be raised.

Shri Nath Pai (Rajapur): I want a clarification from you, Sir. You remarked that during the negotiations, no Adjournment Motions are to be allowed. We agree, but are we to assume from your remarks that new negotiations are concluded between the Government of India and the Pakistan Government to substitute something for Berubari? Because, that is the impression you gave us.

Mr. Speaker: No. I did not say that. It is the duty of the Government to see that there is no trouble so far as we are concerned and this country is concerned. If a particular step they have taken is not useful or effective, it is open to them to take some other steps. If the newspaper says something is being thought of, I am not going to allow those matters to be discussed here. (*Interruptions*). Order, order. No transfer of territory can take place without the permission of this House. Now, in the meanwhile, if any negotiations take place, it is embarrassing to refer to what is contained in the newspapers and what appears in the newspapers may be correct or may not be correct. At each stage, the Government is not bound to come to this House and tell each detail of the negotiations—whether the other side accepts or does not accept—and the Government are not also bound, in this House, to contradict everything that appears in the newspapers. Otherwise, endlessly the time of the House will be taken to say that this newspaper report is

**Expunged, as ordered by the Chair.

[Mr. Speaker]

wrong or that newspaper report is wrong.

Shri Nath Pai: The only question is whether any negotiations are taking place with the Government of Pakistan about Berubari. The hon. Prime Minister is willing to say something..

Shri Hem Barua: The point is whether Gen. Ayub Khan made a statement at Dacca on the eve of his departure to Rangoon to the effect that the Government of India has proposed certain other arrangements in the place of Berubari. Gen. Ayub Khan says that the Government of India must be strong and must be able to implement the Nehru-Noon agreement and bring the West Bengal Government to this view (*Interruption*).

Mr. Speaker: Order, order. The hon. Prime Minister.

Shri Jawaharlal Nehru: I do feel perhaps it will be advantageous for me to say something about this also on Monday. I may inform the House, however, that no negotiations as such have taken place or are taking place. Obviously we have given and are giving a good deal of thought to this matter, because, apart from the legalities, etc., it is a matter involving human beings and all that, and it is important that we should try to do it in as friendly a manner as possible. So, we have examined for ourselves all aspects of this matter but thus far no negotiations of any kind have taken place.

Raja Mahendra Pratap: ** **

12.25 hrs.

PAPERS LAID ON THE TABLE

AMENDMENT TO MINERALS CONSERVATION AND DEVELOPMENT RULES

The Parliamentary Secretary to the Minister of Steel, Mines and Fuel (Shri Gajendra Prasad Sinha): On behalf of Shri K. D. Malaviya, I beg to lay on the Table a copy of Notification No. G.S.R. 1353 dated the 19th November, 1960, making certain amendment to the Minerals Conservation and Development Rules, 1958, under sub-section (1) of Section 28 of the Mines and Minerals (Regulation and Development) Act, 1957. [*Placed in Library, See* No. LT-2486/60].

NOTIFICATIONS ISSUED UNDER TERRITORIAL COUNCILS ACT AND ALL INDIA SERVICES ACT

The Minister of State in the Ministry of Home Affairs (Shri Datar): (i) I beg to lay on the Table a copy of the Territorial Councils (Consultation with Union Public Service Commission) Rules, 1960, published in Notification No. G.S.R. 1252 dated the 19th October, 1960, under sub-section (3) of Section 54 of the Territorial Councils Act, 1960. [*Placed in Library, See* No. LT-2485/60].

(ii) I beg to re-lay on the Table a copy of each of the following Notifications under sub-section (2) of Section 3 of the All-India Services Act, 1951:—

(a) G.S.R. 945 dated the 20th August, 1960 making certain amendments to the All-India Services (Death *cum* Retirement Benefits) Rules, 1958. [*Placed in Library. See* No. LT-2344/60].

(b) G.S.R. 946 dated the 20th August, 1960. [*Placed in Library, See* No. LT-2344/60].

(c) G.S.R. 980 dated the 27th August, 1960 making certain

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amendments to Schedule III to the Indian Police Service (Pay) Rules, 1954.

(d) G.S.R. 981 dated the 27th August, 1960 making certain amendments to Schedule III to the Indian Police Service (Pay) Rules, 1954. [*Placed in Library, See* No. LT-2354/60].

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): With your permission, Sir, I rise to announce that Government Business in this House for the week commencing Monday, the 5th December, will consist of—

(1) Consideration of any item of Government Business carried over from today's Order Paper.

(2) Discussion on the Report of Railway Convention Committee, 1960, on a resolution to be moved by the Minister of Railways.

(3) Discussion and voting on the Supplementary Demands for Grants (General) for 1960-61.

(4) Consideration and passing of—

The Forward Contracts (Regulation) Amendment Bill, 1960.

The Indian Post Office (Amendment) Bill, 1960.

The Railway Passenger Fares (Amendment) Bill, 1960.

The Tripura Excise Law (Repeal) Bill, 1960.

The Prevention of Cruelty to Animals Bill, 1960, as passed by Rajya Sabha.

The Industrial Employment (Standing Orders) Amendment Bill, 1960.

(5) Discussion on the present position in regard to production, distribution and export of sugar on a motion to be made by Shri Rajendra Singh and others on Tuesday, the 6th December at 3 P.M.

(6) Discussion on the present situation of sports in India, with special reference to our loss of Olympic supremacy in hockey on a motion to be made by Shri H. N. Mukerjee on Thursday, the 8th December, at 3 P.M.

I might mention, Sir, that the Forward Contracts (Regulation) Amendment Bill, 1960, which we had previously thought of referring to a Joint Committee is now to be taken up for consideration and passing because the Government consider it important to have this Bill passed without avoidable loss of time.

BUSINESS ADVISORY COMMITTEE

FIFTY-EIGHTH REPORT

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House agrees with the Fifty-eighth Report of the Business Advisory Committee presented to the House on the 1st December, 1960."

Mr. Speaker: The question is:

"That this House agrees with the Fifty-eighth Report of the Business Advisory Committee presented to the House on the 1st December, 1960."

The motion was adopted.

BUSINESS OF THE HOUSE

Shri Tridib Kumar Chaudhuri (Berhampore): Sir, before you proceed to the next item, may I seek one clarification? Some reports have

[Shri Tridib Kumar Chaudhuri]

appeared in the press that the Government are not going to bring up the report of the Commissioner for Linguistic Minorities for discussion in this session. What is the truth in the matter?

Shri Satya Narayan Sinha: As far as the report of the Commissioner for Linguistic Minorities is concerned, we are not thinking of bringing that report for discussion in this session at least.

Shri Tridib Kumar Chaudhuri: Why?

Some Hon. Members *rose*—

Mr. Speaker: The House seems to be desirous of discussing the report. What is the difficulty in bringing up the report for discussion in this session?

Shri Tridib Kumar Chaudhuri: The whole country is interested in it. They are agitated over it.

The Minister of Home Affairs (Shri G. B. Pant): I have no particular difficulty. If the House wishes to take it up, we may bring it forward.

Mr. Speaker: Very well. I will fix some time. It has been pending since the last session. Let it be disposed of as early as possible now.

12.27 hrs.

PREVENTIVE DETENTION (CONTINUANCE) BILL—*contd.*

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Datar on the 1st December, 1960, namely:

> "That the Bill to continue the Preventive Detention Act, 1960, for a further period, be taken into consideration."

It appears some objection was raised yesterday that this Bill requires the recommendation of the President. The President has given his recommendation, and the financial memorandum, required to be appended in such cases where some expenditure is involved has also been sent to me.

Shri Braj Raj Singh (Ferozabad): It should be circulated.

Mr. Speaker: Yes.**

Shri Nath Pai (Rajapur): The hon. Minister told us categorically with a great show of assurance that this does not involve any kind of financial obligation. It is, therefore, a bit strange that today, we are told that the financial obligation has been satisfied.

The Minister of Law (Shri A. K. Sen): I do not think that I said it

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**Reproduced, as ordered by the Chair:

THE PREVENTIVE DETENTION (CONTINUANCE) BILL, 1960

Financial Memorandum

Under Section 8 of the Preventive to be continued for a period of 3 years ventive Detention (Continuance) Bill, State Governments are required to no provision in the Act requiring the etc. to the Members of the Advisory may, however, have to incur some functioning of the Advisory Boards. estimate of the expenditure which amount is not likely to exceed Detention Act, 1950 which is sought till 31st December, 1963 by the Pre- 1960, the Central Government and the appoint Advisory Boards. There is payment of any salary, allowances, Boards. The Central Government expenditure in connection with the It is not possible to make an accurate may be involved annually but the Rs. 5,000.

did not involve any kind of financial obligations. All that I said, as far as I know, is that it is very negligible because it is only the Union territory. I never said that it did not involve any financial commitment. (*Interruptions*).

Shri Nath Pai: He said it will involve expenditure. He further added that because there is payment on account of some advisory committee, we assumed that there would be some finance involved.

Mr. Speaker: But hon. Members must be glad that he abides by the decision of the House.

Shri Braj Raj Singh: The progress of this Bill has been very slow. So, the time may be extended. As it is, the time allotted is only five hours

Shri Mahanty (Dhenkanal): The time may be extended.

Mr. Speaker: The time allotted is five hours. Time taken is 2½ hours. We have 2½ hours more left.

Shri Naushir Bharucha: Much time was taken up by the point of order.

Mr. Speaker: Why did the hon. Member raise it? So, we are taking up the Bill now, at 12.30. We must finish it today.

Shri Braj Raj Singh: How can it be finished?

Mr. Speaker: We must start the private Members' business which is normally at 2.30. We will sit for an hour more and dispose of this matter today. It has to go to the other House also. We will sit for an hour more in the evening to dispose of the Private Members' business.

Shri Vajpayee (Balrampur): The Home Minister may reply on Monday.

Shri S. M. Banerjee: A letter was referred to yesterday and here is a news item which is very important. It says:

> "Law body's advice on Detention Act—P.M. to study demand: Mr. Nehru is understood to have informed Acharya Kripalani and four other Opposition members of the Lok Sabha that their suggestion to get the advice of the Law Commission on the provisions of the Preventive Detention Act would be examined. While the contents of the letter, which is understood to be confidential...."

Mr. Speaker: I am not prepared to allow.

Shri S. M. Banerjee (Kanpur): It was raised yesterday.

Mr. Speaker: He can brief any hon. Member to refer to this. Incidentally, any hon. Member bringing some cutting and referring to it without my permission means, he takes the permission of himself to start a debate and he speaks. It is not right. I am not prepared to allow it. We are in a democratic State and many things appear there. Am I to allow every hon. Member irrespective of his turn?

Shri **Braj Raj Singh:** If it is to be finished today, enough discussion cannot take place. It may be extended to Monday.

Mr. Speaker: Very well. In pursuance of the desire expressed in the House, we will start the non-official business at 2.30. The hon. Minister will reply on Monday. So, the whole of the time till 2.30 is at the disposal of hon. Members. Each hon. Member may take 10 minutes.

Shri Mahanty: The distribution of time seems to be uneven. We cannot do justice to the subject in 10 minutes.

Mr. Speaker: Sometimes if an hon. Member is making good points, I allow him some more time. Why does he in anticipation prevent me from doing so? Shri Achar may continue his speech.

Shri Achar (Mangalore): Mr. Speaker, Sir, I was submitting yesterday that we have as much respect for

[Shri Achar]

liberty as anybody else and we are not happy to have such an enactment in our statute-book. At the same time, I was submitting that the circumstances are such in our country that we cannot but have a law of this kind. I remember the hon. Member who spoke before me yesterday went to the extent of saying that he would like to have this Act permanently in the statute-book of our country. I totally disagree with that contention. We would be very happy if it is removed from the statute as early as possible; it should remain not a moment more than what is absolutely necessary.

But unfortunately, more than everything else, the respect for law in our country is so very low. I gave instances of how even for small things people start satyagraha. My hon. friend, the Socialist leader, Shri Braj Raj Singh, was angry with me because I made a small mistake with regard to their satyagraha regarding Hindi. He said, the satyagraha is not that everybody should speak Hindi, but nobody should speak English. That seems to be the principle.

Shri Braj Raj Singh: No, no.

Shri Achar: I need not go into the argument as to what exactly it is. The point is, even on a point like the question of language, if there is difference of opinion, you would not abide by what the law of the country or Parliament says and you would start a satyagraha. I do not mean to say that such illegality cannot be curbed by ordinary law; it can be and for that purpose detention law may not be necessary. But the general atmosphere in the country is, apart from ordinary people, even in the case of leaders of parties, their respect for law is so low. I cannot understand it.

Shri P. N. Singh (Chandauli): No respect for bad laws.

Shri Achar: I want to meet that argument. Yesterday, Shri Asoka Mehta, leader of the PSP, said it is a lawless law. It is very good rhetoric, but how is it lawless law? I say it is a legal, lawful law. Our wise Constitution-makers have held that if we want a law of that kind, certainly we are entitled to pass such a law. This Parliament has passed that law. I suppose we are in a majority—350 in number—and all the others together come to about 150. So, majority of people representing this country have passed this law; the Upper House has passed it and the President has given his assent. Is it not legal law, lawful law? How can you possibly say it is lawless law? Maybe a minority think that it is not proper law. Any ordinary person who knows something of law would certainly say this is lawful. As I said, for rhetoric, one may say it is lawless law. Constitutionally and from any point of view, definitely it is a lawful law. I would also say it is a popular law, because the majority of the people accept it.

Let us go a step further. The hon. Member who spoke on behalf of the communists said this law has been used very vindictively. I would like to have some instances to prove that. I would not like to go into personalities, but because some names have been raised, I would like to say a word about it. Where is the vindictiveness? Can he show that leaders of the other parties who are opposing us have been put behind the bars specially, say, at the time of the elections? Where is the vindictiveness? How many people have been dealt with under this law?

Even Shri Mehta took exception yesterday saying the Minister has taken a very complacent view that the number is very small. Is it a complacent view of thing? I do not understand it like that. All that the Minister was saying was, he was giving statistics to show that the Act has been very carefully used. It is not that we are happy with it. Nobody is happy in having a law of this kind. I do concede it is a black law.

But unfortunately in this country, there are blacker people indulging in black acts. That is the position. Otherwise, nobody is happy to have a law of this kind.

Before I conclude, I would submit one thing. Who is responsible for continuing an Act of this kind? It is the people in the Opposition who are creating the atmosphere of defiance of law. Probably they are responsible. I will give one or two instances.

Shri Braj Raj Singh: Within the Congress or outside?

Shri Tyagi (Dehra Dun): There is no opposition within the Congress.

Shri Achar: I suppose the hon. Member knows what Opposition side is and what Government side is. I was submitting that some instances also were given. (*Interruptions*). I suppose it is the Speaker who has to give the ruling and not others.

Mr. Speaker: He need not answer them. He can go in. I will give him two more minutes.

Shri Achar: I would submit that yesterday one or two instances of individuals, who are even members of this House, have been detailed. Take, for example, the instance of the hon. Member from Rajapur. Why was he detained? We know the circumstances. All kinds of obstacles were set up against the Government and an attempt was made to paralyse the entire government. They wanted to have a breakdown of law. That was the situation. Under certain circumstances a person is detained If he is going to bring in chaotic conditions and anarchy is there anything wrong in detaining such a person? I am sure all of us have seen one scene here in this House, and I am sure the Speaker will remember it. One stalwart gentleman, a member of this House, was named. He had to go out of this House but he would not go. Then what happened?

Shri Braj Raj Singh: He should have been detained under the Preventive Detention Act!

Shri Achar: I am only showing the attitude of people towards law. The Speaker was thoroughly disobeyed and nobody would listen to his ruling. Finally, the Marshal of the House had to proceed to him.....

Shri Mahanty: Sir, I would like to know how it is relevant.

Shri S. M. Banerjee: It is absolutely irrelevant.

Shri Achar: It is absolutely relevant, because it is a question of respect for law.

Shri Vajpayee: On a point of order. The hon. Member is referring to some incidents which happened in this House which we have all forgotten. What has it to do with Preventive Detention Act?

Mr. Speaker: The hon. Member is a lawyer and he argues that even when responsible Members here do not obey the ruling of the Chair, what will be the position outside. Of course, I am aware that argument is far-fetched. So far as the Members of this House are concerned, I have always stated that no hon. Member will quote the incidents in this House, either for or against, because that will lead to some kind of recrimination when members say "you or he said so". It leads to controversy which has to be avoided. There are many other instances which the hon. Member may quote.

The only point here is not whether the Preventive Detention Act as such is good or bad, but whether it should be continued or not. That is the only short point. For that he need only refer to what has happened, what are the circumstances generally, whether the time has come to dispense with the Act or not and whether the circumstances still warrant the continuation of this Act. For that purpose,

[Mr. Speaker]

he need not quote the conduct of hon. Members in this House.

Shri Achar: I only wanted to point out the attitude of even the topmost people towards law. So, these people will be taken as examples and this contagion will soon spread to the lower strata. If the leaders and members of the opposite side co-operate and create an atmosphere of respect for law, then certainly such a law need not be continued. But, as it is, what do we find in the border areas? In the border areas an atmosphere is being created and propaganda is being carried on that even Chinese rule is better than Indian rule. Such a sort of propaganda is going on. I have already referred to the incidents in Punjab and Assam. I have also stated how even the leaders of parties on minor points are starting *satyagraha*. Even when a *satyagraha* is started, if it is conducted in a proper way it is well and good. But our experience is that every *satyagrha* almost always ends in violence and looting of houses.

Shri Braj Raj Singh: May I point out, Sir, that though the satyagraha went on for ten months, not a single instance can be quoted by the Government of any violence?

Shri A. K. Sen: Let the hon. Member be allowed to continue his speech.

Shri Achar: I am concluding. I would say that I would be very happy if this black Act goes out of the statute-book. I shall be extremely happy when that happens. But the point is that we must be in that position and for that we must create such an atmosphere. I will say that it is the people who are in opposition that are responsible for the continuation of this law. Everywhere they start disobedience of law. If they bring about an atmosphere of respect for law then there will be no necessity for an Act of this kind. And I will be very happy if it goes even tomorrow.

Acharya Kripalani (Sitamarhi): Mr. Speaker, this is the fifth or sixth time when I have to speak upon this Bill and, therefore, I do not want to go into the details of it, which have been covered by my predecessors, the speakers who spoke before me. I am concerned more with principles than with details.

It is a very curious phenomenon in the life of individuals, communities and nations that they suffer from certain inconveniences, certain injustices, certain tyrannies but when they come in power they are very anxious to inflict those very injustices and tyrannies on others. A young boy who has been spanked by his father, when he becomes a father does the very same thing to his son.

Shri Tyagi: Because he has been taught to do so.

Acharya Kripalani: He does not remember how he felt what he felt then. When a nation has achieved its liberty, it goes forth depriving other nations of their liberties. The English people hanged a king for achieving their liberty, but they deprived half the world of their liberties. The French people did the same, the people of Netherlands did the same and, the Americans did the same—got their liberty and denied it to the Negros—and then the Russians did the same; they fought against the Czar and now they control many countries; and our neighbour China did the same. It seems neither the individuals learn nor nations and communities learn from what they have suffered and the world always goes on as usual.

There is another curious fact which was also mentioned by our Prime Minister in the United Nations Organisation, that once we go on a wrong path, then we create a bad *karma* and that progressively drags

us further and further down. This particular law, when it was passed, created a bad *karma*. When it was passed in that year, it was passed on a particular occasion for a particular purpose, at a time when our Government was faced with many difficulties and there was rebellion in Hyderabad, Telengana, and there was the likelihood of such rebellions occurring again on behalf of a party which was behaving in an irresponsible way and was creating confusion; it was only to meet that particular threat. But when you once do a wrong thing, then of course you go down with an accelerated speed.

It was for one year and we were assured that as soon as that trouble disappeared this law will be taken away. Then it was for two years. Then it was for three years. It has been going on for ten years. One of my hon. friends in the Congress said that he wanted it to be perpetually there. It is almost perpetually there. Another hon. friend says that he does not want it perpetually but he wants it to continue. This is a very strange phenomenon.

We were taught that bad means in order to secure a good end vitiate it. This is the lesson that our hon. Prime Minister taught to the whole world when he went to the UNO. Here we are doing this evil without consideration and without giving thought to what we are doing. We are sowing the seeds of future confusion in the country.

One hon. friend said that this is a legal law. I may tell him—I do not know whether he is a lawyer or not—that I am not one bit convinced. A law can be a lawless law. The Rowlett Acts were legally made by the Government and yet we called them lawless laws.

Shri Naushir Bharucha (East Khandesh): Rowlett Act was a better one.

Acharya Kripalani: Whether it was better or worse, the Government of that day, a foreign government, was able to go on conducting its affairs in revolutionary times without ever once applying the Rowlett Bills that had been passed into law. We were a revolutionary party and the law of the land was considered sufficient for us except during the time of the War. It was only during war that they exercised the extraordinary law, the Defence of India Act and put us behind the bars.

Shri A. K. Sen: That is not a fact, if I may say so in all humility. There have been several Criminal Law (Amendment) Acts passed by the British regime under which thousands of people in Bengal alone were arrested and kept under detention.

Acharya Kripalani: They were Criminal Law (Amendment) Acts as the hon. Law Minister should know. He should bring forward a Criminal Law (Amendment) Bill then because Criminal Law (Amendment) Acts would make the people go to law courts, engage the lawyers.....

Shri A. K. Sen: No. I am sorry, Sir.

Mr. Speaker: The hon. Member has evidently got the amendment of the Criminal Procedure Code in mind. The Criminal Procedure Code is the ordinary law of the land. The Criminal Law (Amendment) Act, though the name was different, was the Preventive Detention Act.

Shri A. K. Sen: Regulation 3 of that was used in very many cases.

Mr. Speaker: But this is the Preventive Detention Act.

Acharya Kripalani: I was saying that all of us, including yourself, were arrested under the ordinary law of the land. It was in very exceptional cases that Regulation 3 was applied. That was a foreign government and ours was a revolutionary movement.

Mr. Speaker: I am afraid we were not detained or arrested under the ordinary law.

Acharya Kripalani: Except during the course of the war, as I myself said, when the Defence of India Act was applied; the ordinary law applied when there was no war. Today we have no war. We are not at war even with China what to talk of any other country. Today in peaceful times and when this Government boasts that it has been able to keep law and order and bring about peace and unity in the country while our neighbours are in a disturbed condition and some of them are under dictatorships, when we have been prospering and when we have got a good government and a democratic government, why vitiate that government by this law. We are told that only 400 or 500 people have been arrested under it. Why could these 400 or 500 people not be arrested under the ordinary law?

I remember when I was arrested in 1920 I was arrested under section 107. I do not exactly remember.

Shri Tyagi: Section 107 is about bad characters.

Acharya Kripalani: It is a restraining Act. It is as good as security act. You have sections 107, 108 and 109. Some of us were arrested under section 109 on the plea that we had no ostensible means of living and as a matter of fact it was right. We had no ostensible means of living in those days. These sections are there. You have not repealed them. You can restrain people. Then why do you want extraordinary powers?

When this Bill was first introduced by Sardar Vallabhbhai Patel, I remember the House was hushed. The House looked like a frightened House. It thought "What are we going? We, who have fought the battle of freedom, are going to deprive our own countrymen of that freedom, the freedom of the individual." He was apologetic about it. But now-a-days year after year, whenever the Bill comes, we find a kind of frivolity in those who introduce the Bill. We find a kind of lightness as if they are doing something very ordinary. They say it is only continuing the Act. We are not even allowed to discuss the details of it. It may be wrong in the details, but we are precluded from discussing them because the Bill says, "We are continuing the Act. That is all."

If I remember aright and if my memory does not fail me, one of the provisions of this Act has a provision against creating undesirable and unfriendly relations between our neighbours and ourselves, that is, with foreign countries. I say I am guilty of having tried to bring about unfriendly relations between India and China. Of course, I have done it in Parliament. I would wish they were friendly. But anybody could say that I was trying to bring about unfriendly relations. Even I would then come under the purview of this Act.

Shri Tyagi: At present they are not very friendly relations.

Acharya Kripalani: It may be, but the Government considers that we are yet in friendly relations with China. If I make a speech outside the Parliament—here I am protected, so I venture to make this speech—I may be hauled up tomorrow under this Preventive Detention Act.

13 hrs.

The real danger to the country does not arise except through ourselves. We are thinking of external dangers, but we are not thinking of internal dangers which are created by ourselves in this country. As long as our politics is regulated through class, caste, communal and provincial rivalries, whatever law we make against evildoers, it will not be effective. Our Constitution will be undermined if there is no common citizenship and people are fighting on caste basis, if candidates are put up for election on caste

basis and on communal basis. if the States are fighting linguistic battles and often we the leaders are involved in these and—we, who are responsible people, encourage such parochial, such caste and such communal feelings. We are not ourselves free from evil. If there is rivalry and jealousy amongst ourselves for party causes, for the capture of power, if we cannot keep united among ourselves, we are lost if the ruling party cannot keep unity among its own ranks, how is it going to keep unity in the nation? I do not know. Why are congressmen dis-united? They are dis-united because of office, because of power, because of factions.

Shri Tyagi: They are not.

Acharya Kripalani: If there is corruption in our country, we cannot prosper. If we lack love of the country, if we lack patriotism, if we lack unity, if we are not common citizens of a common country. We shalll fall. These are the real dangers to which our leaders give no thought. They are giving thought only to external means of extricating the country from the moral corruption in which it is caught. They are providing legal means of saving the country. The country cannot be saved merely by legal means. The country can be saved only by moral means. That defect is within us. We do not analyse ourselves. We are our greatest enemies and therefore the greatest enemies of the country.

Shri Yajnik (Ahmedabad): Mr. Speaker, I join the friends on this side in making an emphatic protest against the manner in which this Bill has been brought and the aim, with which it is brought of continuing this Bill for the next three years. A Congress Member asked if we have made out a case for not continuing the Bill. I say, the onus is on the other side. It is for the Government to make out a case for continuing this Bill and perpetuating this Bill. in fact, under cover of continuing it for 3 years, 1 year or 2 years at a time. The main question is, what is the position in the country?

Friends on this side told us, Acharya Kripalani has told us just now that the Congress boasts of having peaceful rule of law in this country. Mention has been made about the Punjab, of Assam. There was explosion in Assam before anything can be done about it. I do not think that this Act has at all helped the Government in settling the problem of Assam. About our frontiers, I will not say, because, our relations with Pakistan, anyhow, whatever the merits of the Canal Treaty, have improved and our borders are being settled. Even with regard to China, the Prime Minister was pleased to state that the propaganda on the border has considerably eased now. The main point is this. I am afraid the Minister also had it in mind when he pointed a finger or he looked at our friend, Shri Braj Raj Singh, the leader of the Socialist party in this House, which believes now and again in inaugurating a policy of fight and satyagraha. My hon. friend Acharya Kripalani laid great stress on this method of fighting the Government, the method of satyagraha, the method of civil disobedience, I plead also guilty in sharing faith, with Shri Braj Raj Singh and members of the socialist party and many other parties also, in the efficacy of this method of satyagraha in the present conditions of the country.

Shri Vajpayee: On occasions or permanently?

Shri Yajnik: On occasions. But the occasions are very frequent. I am afraid we are not availing ourselves of all the occasions of taking to satyagraha.

I say with all responsibility this Government whether in the Central or in the States is being run more or less as a Congress private company limited. It is working in an authoritarian manner. It is working without any regard for the opposition and the

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independent political elements in the States and in the Centre. What has one to do then? Gandhiji, the Father of the nation has given us this marvellous instrument of civil disobedience which is the only alternative to armed rebellion. Surely, none in this House, and I am sure, none in this country today, no sane man believes in resort to arms as a method of protesting against the Government of the day.

Shri A. K. Sen: What about election? Can't you express it by your vote in the general elections?

Shri Yajnik: Yes. Votes is one method. Let me take the example of this division of the bi-lingual state of Bombay. Can we fight for it and get it by securing the vote of the majority in this House? We had to fight, resort to satyagraha, for months together and we had to send more than 2000 people to the jail, till the Government felt like giving serious consideration to this matter. So also it happened in the Maharashtra.

It has been stated in this House very often that this Government does not listen to reason, and the Government only gives consideration and attention to any matter when there is some disturbance, when there is some trouble, when there is some satyagraha when there is some active opposition to the rule of law. As I stated, when the community or large masses of people are at variance with the Government and when the Government does not take to the policy of persuasion, conciliation and discussion with the opposition members or with the representatives of the opposition, what are they to do? The only alternatives are either violence or peaceful satyagraha. Gandhiji, in 1942, 1930 and 1920 showed us the way of satyagraha. Let nobody say that it does not hold good even when we have our own Government. Vinobaji was travelling in Gujerat. Some people asked him if the Janata Parishad was right in carrying on the Shaheed Smarak satyagraha even when we have our own Government. Vinobaji, who is the authentic representative of Gandhiji said, yes, I can conceive of occasions when the people would be perfectly justified in taking to civil disobedience even when we have our elected representative Government. Let me tell the Government that as time is passing, more critical times are facing us. More loans, debts, more currency, higher prices, the country is passing through a time of serious discontent. I may warn the Government that if they think, that this satyagraha, civil disobedience, morchas of all kinds, marches to the Assembly and to Government offices are to be stopped by pass this Preventive Detention Bill, I say they are living in a fool's paradise. These movements are going to continue as discontent is increasing, as prices are increasing every day and the poor are getting poorer and the rich are getting richer, and as long as this bureaucracy is wooden.

Shri Raghubir Sahai (Budaun): That is not the aim of the Preventive Detention Act.

Shri Yajnik: I know. The point is that even the Home Minister did suggest that this Act was necessary in view of the continuance and continuous eruption of civil disobedience. I know that it has not been applied to us even when we practised satyagraha. We had just had it on the 13th November and we had it also on 2nd October, the birthday of Gandhiji, and we will have it again and again till certain injustices are rectified, and I am sure that, with all that we know about the efficacy of peaceful methods, the only alternative we have is taking to this civil disobedience in order to convert the Government to our view if possible, to melt their hearts, to persuade their minds, and ultimately to create a situation in which they have to help but to do the right thing and to give justice to the people.

The Rowlett Act, the lawless law, was mentioned. The Preventive Detention Act was called the lawless law, and Shri Achar took objection to it. I am one of those in this House, there are others also I am sure, the Home Minister also, who participated in the civil disobedience movement that was organised by Gandhiji against the Rowlett Act. What was the situation disclosed at the time of the Rowlett Act? The report definitely disclosed the existence of organisations having as their objective armed rebellion and violence in this country. There was a big report, and the Rowlett Act was passed. What was the Rowlett Act? The Rowlett Act was certainly much better than this Preventive Detention Act.

Shri Naushir Bharucha: Very much better.

Shri Yajnik: The Rowlett Act, maybe, started sort of Star Chambers and the freedom of the accused was restricted. Anyhow, there was court proceeding, there was interrogation, there was evidence, there were defence witnesses, there were prosecution witnesses. Maybe there was no appeal against the judgement of the court, but even so, there was some semblance of a court and legal procedure. And what have you got here? Only, within a few days you are givin a small charge-sheet, and then you can go to the advisory council and make your representation. No evidence will be led, no defence evidence an be called.

Shri Tangamani (Madurai): You cannot perosnally go there.

Shri Yajnik: You may go personally. Sometimes they might be pleased to listen to you, but that is all. But beyond this chargesheet they have got the report of the Collector or the report of the Government which is not known to the people who are detained at all.

I remember 30 men of the Maha Gujarat movement were spirited away in the night to the Yerawada Jail under preventive detention, and what was all that about? There was a scuffle between the people and the police, and some of our people who were proclaiming from the housetops every time the salutary effects of a peaceful movement, who were trying to dissuade the people from throwing stones, were themselves clamped in jail, because they were supposed to have incited, they were accused of inciting the people to throw stones. It was yes against no. There were photographs. Well, the photographs only showed that these people were holding up their hands. They had raised their hands, but raising the hands may be one way or the other. The fact is that all the people protested in vain, they represented to the Government that they had never incited the people, that they had been fasting to induce the people to keep peace, that they had been speaking time and again about the preservation of peace, that the whole movement was based on peace. Thereafter the law was not applied, but the point is that it has been applied, it has been applied to M.L.As. and M.Ps., it has been applied to a large number of people—may be, they have been released soon afterwards either at the instance of the High Court or the advisory council. But the Act has been abused.

What I am concerned to state is that this Act is much worse than the Rowlett Act, and the situation today is infinitely better than what faced the British Government at that time. I say while the situation has changed for the better, the law has gone worse. That cannot be denied.

And how are you operating it today? Do you think that the arrest of Master Tara Singh under the Preventive Detention Act has stopped the agitation in Punjab?

Shri Tangamani: It has increased.

Shri Yajnik: It has only increased and opened the flood gates of mass

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discontent and mass movement, the parallel of which perhaps has not been witnessed since 1947. That is what has been done by the application of the Preventive Detention Act to Master Tara Singh. Master Tara Singh could have been dealt with in another manner. Time was when the Prime Minister and the Home Minister and others invited him to discussion.

I am not going into the question of the Punjabi Suba, but the main thing is that you arrest a man and there is a blaze. That is not the way of doing things. I would therefore say that while the conditions are infinitely better, the law is worse than what was applied by the British Government. Therefore, I would appeal to the Home Minister to consider again the advisability of this matter, refer this matter if possible to the Law Commission and seek their advice, and finally erase this blot, shameful blot from the statute-book of this country.

श्री प्र० ना० सिंह (चन्दौसी) : श्रीमान्, चूंकि मैं इस काले कानून में स्वतः भुक्तभोगी हूं, इसलिए थोड़े अधिक समय की इंडलजेंस चाहूंगा।

निरोधक नजरबन्दी कानून की अवधि को बढ़ाने के सिलसिले में सरकार की तरफ से इस सदन के सामने एक प्रस्ताव रखा गया है और इस प्रस्ताव को रखते समय दातार साहब ने जो भाषण किया है उसको मैंने बड़े ध्यान से सुना है। लेकिन मुझे उस भाषण में कोई ऐसी दलील नजर नहीं आई जिससे यह पता चलता हो कि इस कानून की अवधि को, इसके जीवन को बढ़ाये जाने की कोई आवश्यकता है। सन् १९५० में जब यह कानून यहां आया और समय समय पर दो साल के लिए या चार साल के लिए, जब जब इसकी अवधि बढ़ाने का सवाल पेश होता रहा है तब तब यही दिखाई पड़ता रहा है कि इस निरोधक नजरबन्दी कानून को जितनी जल्दी खत्म किया जाए उतना ही अच्छा है।

संविधान सभा में डा० अम्बेदकर ने आर्टिकल १५ (ए) को जुड़वाने के लिए जो बातें कही थीं उनमें से एक यह थी कि प्रिवेंटिव डिटेंशन की व्यवस्था का कारण यह है कि अभी भारत की स्थिति स्पष्ट नहीं है, राजनीतिक पार्टियां भविष्य में क्या करेंगी, उनका क्या रोल होगा, स्पष्ट नहीं है और चूंकि उस समय असाधारण स्थिति देश में विद्यमान थी इसलिए संविधान के अंदर प्रिवेंटिव डिटेंशन की बात आई। मैंने कंस्टिट्यूएंट असैम्बली की बहस को देखा है। उस समय बहस में श्रीमान्, आपने भी हिस्सा लिया था। प्रिवेंटिव डिटेंशन के सिलसिले में श्रीमान्, की तरफ से भी एक सुझाव दिया गया था कि कम से कम छः महीने के बाद जो लोग डिटेन किए जाते हैं, उनके केसिस को रिव्यू किया जाना चाहिए। इसी के साथ साथ महात्मा गांधी के नेतृत्व में हम सभी लोगों ने इस देश की आजादी के संग्राम में भाग लिया है और मैं अपने को इस बात के लिए सौभाग्यमान समझता हूं कि देश की आजादी की लड़ाई में ट्रेजरी बैंचिज पर जो लोग बैठे हुए हैं जिस तरह से उन्होंने भाग लिया है उसी तरह से मैंने भी भाग लिया है और लगभग तीन साल के लिए मैं लगातार डिफेंस आफ इंडिया रूल्ज के अन्तर्गत बन्द रहा हूं सन् १९४२ के जमाने में जबकि मैं एक विद्यार्थी था।

मैं ने उस समय का सरदार बल्लभ भाई पटेल का भाषण देखा और उन्होंने उस समय की स्थिति को अपने भाषण में रखा और कहा कि हिन्दुस्तान में कम्युनिस्ट पार्टी एक ऐसी पार्टी है जिससे हिन्दुस्तान की सीक्योरिटी को खतरा हो सकता है। लेकिन इस सिलसिले में भी मैं यह कहना चाहता हूं कि इस मामले में भी स्थिति बदल

चुकी है । जब कि तेलंगाना की घटनाएं हुई उस समय कम्युनिस्ट पार्टी का इनसरेक्शन में विशवास था लेकिन अब हिन्दुस्तान की कम्युनिस्ट पार्टी जनतंत्री व्यवस्था में विश्वास करती है और हिन्दुस्तान की मौजूदा हुकूमत को जनतंत्री तरीके से बदलने का विचार रखती है । ऐसी हालत में मैं कहूंगा कि जब डा० अम्बेडकर ने संविधान सभा में निरोधक नजरबन्दी कानून को रखा और जिस स्थिति में सन् १९५० में सरदार वल्लभ भाई पटेल ने इस सदन में इस कानून को पेश किया, उस स्थिति में और आज की स्थिति में बड़ा अन्तर आ गया है । सन् १९५० से दस साल गुजर गए और इन दस सालों में हम महसूस करते हैं कि स्थिति बदल गयी है और जो शंकाएं पहले थीं वे अब नहीं रही हैं । अब हिन्दुस्तान में कोई पार्टी हुकूमत को बदलने के लिए शसस्त्र रास्ता नहीं अपनाना चाहती बल्कि आज सारी पार्टियां मौजूदा हुकूमत को बदलने के लिए या अपने दल की सरकार बनाने के लिए जनतंत्री पद्धति का इस्तैमाल करना चाहती हैं ।

मैं ने देखा कि इस समय जो स्थिति है उसके सम्बन्ध में कोई विशेष बात नहीं कही गयी । बहुत से माननीय सदस्यों ने कहा कि सीमा का मामला सामने है और कुछ लोग इस देश के अन्दर सीमा के बारे में भिन्न राय रखते हैं, इसलिए इस कानून की आवश्यकता है । लेकिन श्री दातार के भाषण से मैं नहीं जान सका कि सरकार भी इस चीज को ऐसा सही समझती है या नहीं । सीमा के मामले में प्रधान मंत्री ने यह स्पष्ट कर दिया है कि उससे मौजूदा हालत में कोई बहुत बड़ा खतरा नही है, कोई इमरजेंसी की हालत नहीं है । जब हिन्दुस्तान में ऐसी स्थिति हो तो उस स्थिति में इस निरोधक नजरबन्दी कानून को जारी रखना और इसकी अवधि को बढ़ाना किसी तरह से उचित नहीं कहा जा सकता ।

इसी के साथ जब हमारे राज्य मंत्री श्री दातार सहाब इस सदन के सामने यह बात रखते हैं कि इस निवारक नजरबन्दी कानून की अवधि को बढ़ाया जाए, तो हम यह भी जानना चाहेंगे कि जो पिछले दस साल गुजरे हैं उनमें इस कानून का दुरुपयोग तो नहीं हुआ । हम जानना चाहेंगे कि इसका किस तरह इस्तेमाल हुआ । साथ ही मैं यह भी जानना चाहूंगा कि क्या हिन्दुस्तान में ऐसी स्थिति आज है कि इस कानून को जारी रखा जाय । मैं इस बात को दिखाना चाहता हूं कि इस कानून का गलत इस्तैमाल किया गया है । इसलिए मैं साफ तौर से सदन को कहना चाहूंगा कि इस कानून की अवधि को नहीं बढ़ाना चाहिए । कल श्री दातार ने अपने भाषण में कहा कि इस कानून का इसलिए इस्तैमाल नहीं किया गया कि राजनीतिक पार्टियों के कार्यों को और आन्दोलनों को स्टाइफिल किया जाए । इस सम्बन्ध में मेरे पास जो आंकड़े हैं उन को मैं सदन के सामने रखना चाहता हूं । सन् १९५९–६० में २१६ आदमी गिरफ्तार हुए निरोधक नजरबन्दी कानून के अधीन । उन में से ८७ आदमी ऐसे हैं जो कि राजनीतिक पार्टियों से संबंध रखते हैं, ७० आदमी गुंडाइज्म के लिए हैं और कुछ लोग अपने यहां के डाकुओं को शरण देने के लिए हैं । सन् १९६० में सितम्बर, तक १५३ आदमी गिरफ्तार किए गए हैं जिन में से आठ राजनीतिक पार्टियों से संबंधित बताए जाते हैं । लेकिन ३४, ३६ या ३७ और आदमी ऐसे हैं जो कि इसेंशियल सप्लाईज के सिलसिले में गिरफ्तार हुए हैं केन्द्रीय कर्मचारियों की हड़ताल के सम्बन्ध में नजरबन्द लोग राजनीतिक पार्टियों से संबंध रखते हैं । अगर हम इस संख्या को भी जोड़ें तो सन् १९६० में सितम्बर तक इस कानून के अधीन जो गिरफ्तार लोगों में राजनीतिक पार्टियों के लोगों की संख्या ४०, ४२, ४५ या या इस से भी ज्यादा होगी ।

[श्री प्र० ना० सिंह]

इस कानून का मंशा यह है कि इसका उपयोग उन लोगों के खिलाफ किया जाए जिन से स्टेट की सीक्योरिटी को या देश के डिफेंस को खतरा हो। इस सिलसिले में मैं आपसे कहना चाहता हूं कि सन् १९५९ में जो लोग इस कानून के अधीन गिरफ्तार किए गए उन में से डिफेंस के सिलसिले में गिरफ्तार किये गए लोगों की संख्या पांच ही थी। इस कानून का उपयोग उन लोगों के विरुद्ध किया जाता जिन से कि देश की प्रतिरक्षा को खतरा होता या देश की सुरक्षा को खतरा होता तो यह बात समझ में आ सकती थी क्योंकि यही कानून का मंशा है। लेकिन सन् ५९ में इस सिलसिले में केवल पांच आदमी गिरफ्तार किए गए और सन् १९६० में इस सिलसिले में एक भी आदमी गिरफ्तार नहीं किया गया। इससे स्पष्ट है कि इसका लगातार इस्तैमाल ऐसे कार्यों के लिये किया जाता है जो राजनीतिक विरोधी पार्टियों के लोग करते हैं।

मैं इस सिलसिले में एक और उदाहरण देना चाहता हूं। माननीय गृह मंत्री जी इस समय मौजूद हैं। उनको याद होगा कि जो जो घटनाएं उन के सामने हुई देश की आजादी की लड़ाई के सिलसिले में। उस समय उनका विशेष स्थान था और मौजूदा हालत में एक विशेष स्थान है, चाहे वह उत्तर प्रदेश का मामला हो या देश के किसी अन्य भाग का। आचार साहब ने कहा कि सोशलिस्ट पार्टी तो सत्याग्रह करना चाहती है। मैं यह स्पष्ट कर देना चाहता हूं कि जहां तक सत्याग्रह का सवाल है, देश को यह फैसला करना है कि जनता के असंतोष को अहिंसा के माध्यम से व्यक्त किया जाए या हिंसा के माध्यम से व्यक्त किया जाए। अगर मौजूदा सरकार यह समझती है कि जनता के असंतोष को हिंसा के माध्यम से ही व्यक्त किया जाए तो यह मौजूदा सरकार को भी मुबारक हो। हम तो यह नहीं चाहते। हम तो चाहते हैं कि लोकतंत्र मजबूत हो और लोकतंत्र तभी मजबूत हो सकता जब कि अहिंसा का रास्ता अपनाया जाए। इसलिए हम अहिंसात्मक आन्दोलन द्वारा जनता के मौजूदा असंतोष का साथ देना चाहते हैं।

दातार साहब ने मणिपुर की चर्चा की और कहा कि बार्डर का इलाका है और वहां पर सोशलिस्ट पार्टी के लोगों ने सत्याग्रह शुरू कर दिया है और वहां रेसपांसिबिल गवर्नमेंट की मांग की। अगर हमने रेसपांसिबिल गवर्नमेंट की मांग की तो कौन सा बेजा काम किया। आप वहां के लोगों को रेसपांसिबिल गवर्नमेंट न देकर गलती करते हो और यदि हम लोग उसकी मांग करते हैं तो इस में क्या बेजा है। वहां पर जो पहले रेसपांसिबिल गवर्नमेंट थी उसको हटा कर आपने वहां ब्योरेक्रैटिक रेजीम स्थापित कर के। अगर वहां की जनता कहती है कि रेसपांसिबिल गवर्नमेंट के वक्त जो उसकी हालत थी उस से आप अच्छी हाल पैदा करें तो इस में असाधारण बात क्या है।

सन् १९५४ में डा० राम मनोहर लोहिया मणिपुर गए पर उनको वहां के कानून की धारा १०७।११७ के अधीन गिरफ्तार करके बन्द कर दिया। उस के बाद सेशन जज ने उनको छोड़ दिया, लेकिन बाहर निकलते ही उनको निरोधक निजरबन्दी कानून के अधीन गिरफ्तार कर लिया गया पर हाईकोर्ट ने उनको छोड़ दिया। फिर भी यहां कहा जा रहा है कि वहां मूवमेंट फिजिल आउट हो गया। इस पार्लियामेंट के एक सदस्य हैं श्री अचा सिंह, उनको अभी तक नहीं छोड़ गया है और कहा जाता है कि मूवमेंट खत्म हो गया और सारे लोगों को छोड़ दिया गया है। श्री अचा सिंह उस इलाके के लोगों का प्रतिनिधित्व करते हैं, वह मणिपुर के लोगों की रिसपांसिबिल गवर्नमेंट की आकांक्षा

को व्यक्त करते थे । उनकी आकांक्षा को पूरा नहीं किया गया और उनको अभी तक नज़रबन्द किया हुआ है और कहा जाता है कि मूवमेंट खत्म हो गया है ।

मेरी नजरबन्दी के सम्बन्ध में भी हाउस में चर्चा की गयी थी । मैं उस सिलसिले में गृह मंत्री जी से इतना ही कहना चाहता हूं कि आज यह स्थिति है कि नौकरशाही दिन पर दिन गिरती जा रही है । मौजूदा सरकार के मंत्री सामंतवाद का तरीका बरत रहे हैं । अगर कोई मंत्री किसी जिले में चला जाता है तो आप देखें कि नौकरशाही उस के पीछे लगी हुई है । अगर कोई जिले का ही मंत्री हुआ तो वे लोग २४ घंटे उसी के पास रहते हैं । अगर यह सामन्तवाद नहीं है तो क्या है । यह लोकतंत्र का तरीका नहीं है । अगर आपके मंत्री सामन्तवादी तरीके से रहते हैं तो मैं इस संबंध में कुछ नहीं कहना चाहता लेकिन मैं गृह मंत्री महोदय का ध्यान अपने केस की ओर दिलाना चाहता हूं । अब तो उसका फैसला हो गया और एक बहुत लम्बा जजमेंट दिया गया है, जिसकी मुझ नकल भी अभी तक नहीं मिल सकी और शायद गवर्नमेंट को भी नहीं मिल पायी है । लेकिन जो मेरे पास सर्टीफाइड कापीज हैं उन के आधार पर मैं कुछ निवेदन करना चाहता हूं । मुझे इस कानून के सेक्शन ३ के क्लाज १ ए० के सब क्लाज २ और तीन में मेंनटिनेंस आफ पबलिक आर्डर और सिविल सप्लाईज़ के सिलसिले में गिरफ्तार किया गया लेकिन जो चार्ज मुझे डिस्ट्रिक्ट मजिस्ट्रेट साहब ने दिया उस के आपरेटिव पोरशन में वह कहते हैं :—

"For the aforesaid reasons, I am satisfied that you are likely to act in a manner prejudicial to the maintenance of public order and, therefore, I have passed an order for your detention to ensure the maintenance of public order".

पबलिक आर्डर के लिए गिरफ्तार किया जाता है । डिटेंशन आर्डर के सिलसिले में जो कारण बताये गये हैं उन में यह कहा गया है कि मेनटेनेन्स आफ पबलिक आर्डर के लिए आपका डिटेंशन जरूरी है । वह आर्डर Items (II) & (III) of Sub-clause (a) of Subclause (1) of Section 3 मातहत दिया गया था और वह आर्डर मेनटेनेन्स आफ पबलिक आर्डर के सिलसिल में था और साथ ही मैं मनटेनेन्स आफ इसेंशिएल सप्लाईज के सिलसिले में भी था । आर्डर तो इन दोनों के लिए था लेकिन जो चार्ज देते हैं उस में केवल मेनटेनेन्स आफ पब्लिक आर्डर का जिक्र आता है औपरेटिव पोर्शन उसी की बाबत है । श्रीमन्, मैं कहना चाहता हूं कि क्या इस बात को देखा नहीं जा सकता है कि आज हमारे देश में नौकरशाही कितनी लापर्वाह बनती जा रही है ? मैं इस बात को स्पष्ट कहूं कि यह मामला हाई कोर्ट में भी उठा था । मैंने अपने पेटीशन में स्पष्ट तौर पर इस बात को कहा था कि मैं उत्तर प्रदेश के गृह-मंत्री श्री कमलापति त्रिपाठी का विरोधी रहा हूं असेम्बली के चुनावों में सन् १९५७ के चुनावों में मेरा उनका डाइरैक्ट कंटैस्ट रहा । दो दिन तक तो मैं इलक्शन में लीड करता रहा लेकिन तीसरे दिन मैं उन के खिलाफ नैरो माजिन से हारा और बाद में उसी इलाके से मैं पार्लियामेंट का मेम्बर चुना गया । इसलिए उत्तर प्रदेश के होम मिनिस्टर साहब का मेरे प्रति जो रुख है वह एक अच्छा रुख नहीं है । अब श्री त्रिपाठी उत्तर प्रदेश के होम मिनिस्टर नहीं रहे हैं । खैर वे रहें या न रहें मुझे इस से कोई सरोकार नहीं । वैसे वे बहुत अच्छे व्यक्ति हैं, भले आदमी हैं और पंत जी उनको बहुत अच्छी तरह जानते हैं । मैं भी चूंकि उसी शहर का हूं जिस शहर से कि श्री त्रिपाठी का सम्बन्ध है इसलिए मैं भी उनको बहुत अच्छी तरह से जानता हूं । यहां पर मैं यह अवश्य कहना चाहता हूं कि उस समय जो वहां के अधिकारी लोग थे उन अधिकारियों पर यह एक असर था कि इस प्रभु नारायण सिंह को बंद करो जैसे

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भी हो फिर ऊपर पूछने वाला तो कोई है नहीं । ऊपर कोई देखने वाला तो है नही। माननीय गृह मंत्री के पास जब केन्द्र में यह मामला आया था तो उचित तो यह था कि गृह मंत्री महोदय स्वत: इस मामले को देखत और उनको सारे जरूरी कागजात और रेकार्डस वगैरह को देखना भ लना चाहिए था ।

मेरे केस को लेकर हाईकोर्ट ने जो जजमेंट दिया है वह लगभग ६० सफे का है और उस में विस्तार से बतलाया गया है कि किस तरह से मेरे बारे में प्रीवेन्टिव डिटेंन न ऐक्ट की एक एक धारा का उल्लंघन किया गया है । सैक्शन ३ जिस के कि अंदर एप्रूवल होना चाहिए वह एप्रूवल नहीं है और सैक्शन ७ के बमुजिब जो नोटिस मिलना चाहिए वह नोटिस नहीं मिला ।

ग्राउन्ड्स ग्रौफ डिटैंनशन मिलनी चाहिएं वह नहीं मिलीं । हाई कोर्ट ने कहा है कि in the present case each one of these three ingredients of section 7 of the Act had been ruthlessly disregarded by the State Government.

इस के बाद कई और चीजों के सिलसिले में कहा गया है कि it was a borderline case. मैलाफाइडी हो भी सकता है और नहीं भी हो सकता है । अब मैलाफाइडी साबित करना बड़ा मुश्किल है और इसका साबित करना इतना मुकिल कार्य है कि जिसका कि कोई ठिकाना नहीं । अब पूरा जजमेंट तो मुझे अभी तक नहीं मिल सका लेकिन मैं उस के थोड़े से पोर्शन्स यहां हाउस के सामने पढ़ दूं जो कि प्रैस में बहुत वाइड्ली रिपोर्ट हुए हैं । मैं जनाब की इजाजत से २ नवम्बर के लीडर अखबार से गृह मंत्री महोदय और सदन् के सूचनार्थ कुछ उस जजमेंट के हिस्से पढ़ देना चाहता हूं ।

"Their Lordships said that there had been a clear breach of the provisions of section 3 of the Act in so far as the order of approval was not passed by the State Government within the period of 12 days after the making of the order of detention. Even the purported order of approval was not really an order of approval. It had materially modified the initial order passed by the District Magistrate and could not, therefore, be strictly considered an order of approval at all.

"Their Lordships proceeded to consider section 7 of the Act and were also of the opinion that there had been a serious violation of the contents of this mandatory provision of law in a number of ways. It provided these safeguards to the person sought to be detained. Firstly, the grounds in support of the order of detention must be communicated to the detenu within a period of five days from the date of detention. Secondly, these grounds must be communicated by the particular authority that made the order. Thirdly, the grounds communicated should be such as to enable the detenu to have an opportunity of making an effective representation against the grounds. They were of opinion that in the present case each one of these three ingredients of section 7 of the Act had been ruthlessly disregarded by the State Government".

हाई कोर्ट का वह जजमेंट काफी लम्बा है । तीन दिन तक हाई कोर्ट के न्यायमूर्तिमान जजमेंट डिक्टेट करता रहा और सात आठ दिन तक हाई कोर्ट में आर्गुमेंट्स चलते रहे । मैं उस जजमेंट से केवल कुछ हिस्सा और हाउस के सामने पढ़ देना चाहता हूं जो कि मैलाफाइडी के सम्बन्ध में है ।

"Their Lordships said that the remaining charges related to a large

number of irregularities and illegalities which had been committed by the authorities concerned in the present case. It was no doubt true that these existed.

"They did not, however, necessarily indicate a case of *mala fides* on the part of the authorities concerned. Such difficulties might be the result of inefficiency or carelessness on the part of the authorities concerned. Every day in cases that came before them, they noted serious lapses and irregularities committed by such authorities. They did not, however, necessarily show that the authorites who were responsible for them acted in a *mala fide* manner.

"Their Lordships observed: 'There is a general deterioration of efficiency in these matters. As a court of law, we can express our dissatisfaction with it and disapproval of these acts which come to our notice in the course of cases before us. All that we can do is to set aside the orders which are the results of such irregularities and illegalities. In order, however, to find a charge of *mala fides* established in a case a court of law would, however, require something more than the bare existence of such defects in the proceedings that are sought to be impugned'.

"Their Lordships added it was not, however, possible for them to state definitely whether there was absolutely no basis at all for the charges levelled on behalf of the petitioner. All that they could say was that it was possible that the case might be a case of *mala fides* and it was also possible that the case might not be a case of *mala fides*; it was a borderline case".

Shri Braj Raj Singh: The judgment is a censure of the Government.

श्री प्र० रा० सिंह : मैं इस चीज को कहना चाहता हूं कि आज शासक दल द्वारा किस तरीके से अपने राजनैतिक विरोधियों को दबाने के लिए इस निरोधक नजरबन्दी कानून का इस्तैमाल किया जा रहा है । इसी सिलसिले में जो और भी समय समय पर गिरफ्तारियां होती रही हैं और जिस मनमाने और गलत तरीके से होती रही हैं उनको श्रीमान ने खुद देखा होगा । संविधान परिषद् में उस पर बहुत बहस हुई थी । मुझे करीब डेढ़ महीने के लग गये कि किसी तरह से मैं अपनी पेटीशन तैयार कर सकूं । डेढ़ महीने की मुतवातिर लिख पढ़ी के बाद जाकर कहीं मुझे अपनी पेटीशन हाईकोर्ट में दाखिल करने की इजाजत मिल पाई थी । डेढ़ महीने के बाद मेरी पेटीशन हाई कोर्ट में जा पायी ।

इसी के साथ साथ एक दूसरी दिक्कत हमारे सामने है । यह कहा जाता है कि ऐडवाइजरी बोर्ड बना दिये गये हैं । अब यह ऐडवाइजरी बोर्ड्स क्या हैं ? अब मैं इस के संबंध में अपने माननीय गृह मंत्री से कहना चाहता हूं कि इन ऐडवाइजरी बोर्ड्स में यह जो आपने आई० ए० एस० आफिसर्स को जज बना दिया है और उनको इन बोर्ड्स का चेयरमैन बनायेंगे तो उस हालत में कैसे हम इस बात की उम्मीद कर सकते हैं कि वह आई० ए० एस० आफिसर्स उन बोर्डस में बैठ कर हमारा ठीक से फैसला कर सकेंगे ? अलबता अगर प्रीवेन्टिव डिटेंशन ऐक्ट में आप यह व्यवस्था रखते कि सुप्रीम कोर्ट के जज और चीफ जस्टिस ऐजडवाइजरी बोर्ड्स में रहें तो उन से सही तौर पर इंसाफ मिलने की उम्मीद की जा सकती थी । यह सही है कि संविधान ने सर्टेन प्राविज्स दिये हैं और उस के खिलाफ आप नहीं जा सकते हैं और इसलिए आपको ऐडवाइजरी बोर्ड्स की इस तौर पर व्यवस्था करनी पड़ती है ।

अब मेरा केस ४, ५ जुलाई को ऐडवाइजरी बोर्ड से आया । ५ तारीख को मुहर्रम

[श्री प्र० ना० सिंह]

था और उस दिन हाईकोर्ट बंद था। मैं ने ऐडवाइजरी बोर्ड्स से रिक्वैस्ट किया कि यदि सलाहकार परिषद् के माननीय सदस्यगण इस चीज को चाहें औ मैं भी स्वयं थोड़ा समय चाहता हूं तो दूसरे दिन मेरा केस हो जाय। लेकिन सुनवाई को टाला नहीं गया और यह फैक्ट की बात है कि ५ जुलाई को लखनऊ की अवध बेंच पूरा हाई कोर्ट खुलवाया गया और मुझे कहा गया कि हम इंतजार नहीं कर सकते। और हमें तो अभी फैसला देना है और चुनांचे ४, ५ जलाई को जब कि मुहर्रम था, मुहर्रम की छुट्टियां थीं, उस समय अवध बैंच का हाईकोर्ट खोला गया और उस में मेरा केस बाकायदा लिया गया। अब हम तो परेशान थे ही बेचारे चपड़ासी और अहलकारान भी सब के सब उसी एक केस के कारण परेशान थे और सचमुच में ही उन बेचारों को तो मुहर्रम ही हो गया। मैं तो चाहता था कि मुझे एक दिन का मौका मिल जाय लेकिन एडवाइजरी बोर्ड अपना फैसला देने के लिए डिटरमिड था।

आप सैक्शन ७ के सब-क्लाज २ में कह चुके हैं कि यदि कोई बात पबलिक इंटरैस्ट में नहीं होगी तो वह ग्राउन्ड्स में नहीं दी जायगी। ऐडवाइजरी बोर्ड्स में डैटीन्यू के बिहाफ पर प्लीडर्स और वकील लोग प्लीड नहीं कर सकते हैं और ऐसी हालत में हम इन ऐडवाइजरी बोर्डस से क्या उम्मीद रख सकते हैं? चाहे कोई बड़े से बड़ा लाइयर क्यों न रहा हो लेकिन अगर वह पांच, सात या दस वर्ष प्रैक्टिस का काम छोड़ दे और दूसरी लाइन में चला जाय तो वह पूरी तरह गुड्स डेलीवर नहीं कर सकता है और कुदरती तौर पर उससे यह उम्मीद करना कि वह पूरी तरह महारत से पूरे ला प्वाएंट्स को हील कर सकेगा सही न होगा। अब हमारे स्वयं माननीय गृह मंत्री अपने समय के एक माने हुए वकील रहे हैं लेकिन अब अगर यह कहा जाय कि ऐडवाइजरी कमेटी के सामने वह किसी डैटेन्यू का केस प्लीड करें तो यह जरा कठिन होगा क्योंकि वह सारी ला की बातें उनको याद आती चली जायं यह जरा मुमकिन नहीं मालूम देता और हो सकता है कि उनको वह सब बातें याद न हों जोकि उस केस के सम्बन्ध में जरूरी हों।

हमारे त्यागी जी ने भारतीय संविधान सभा में कहा था कि अगर इस प्रीवेन्टिव डिटेंशन के विरुद्ध शिकायतें आयेंगे कि इसका किन्हीं व्यक्तियों अथवा राजनैतिक पार्टियों पर दुरुपयोग हुआ है तो वे इसको जारी नहीं रक्खेंगे। अब इसके दुरुपयोग का सबसे बड़ा सबूत श्रीमन यह है कि केरल में जिनके कि लिए आप कहते हैं कि वे टिक्टेटरशिप की मान्यताओं में पले हुए लोग हैं, ऐसे लोगों की हुकूमत केरल में थी और आपने आन्दोलन चलाया और उनकी सरकार को खत्म करने का आन्दोलन चलाया। उस आन्दोलन में हम आपके साथ नहीं थे और हमने यहां भी पार्लियामेंट में गवर्नमेंट के इंटरवेंशन के और प्रेसीडेंट के इंटरवेंशन के खिलाफ वोट दिया था। वहां पर गवर्नमेंट को खत्म करने के लिए इतना जबर्दस्त आन्दोलन चलाने के बावजूद कम्युनिस्ट सरकार ने प्रिवेंटिव डिटेंशन एक्ट का इस्तेमाल नहीं किया। इस से प्रकट होता है कि विरोधी दल इस विषय में ज्यादा उदार साबित हुए हैं और आगे भी उदार साबित होंगे।

मैं यह भी कहना चाहता हूं कि माननीय त्यागी जी को संविधान सभा में जो खतरा महसूस हुआ था, उस को उन्हें अपने दिल से निकाल देना चाहिए। यह एक काला कानून है, जो कि हिन्दुस्तान के स्टैट्यूट बुक पर है। तेरह वर्ष की आजादी के बाद भी इस को कायम रखना हमारे लिए कलंक की बात है। इस बात की कोई जस्टिफिकेशन नहीं है कि इस को एक मिनट के लिए भी हमारे स्टैट्यूट बुक पर बना रहने दिया जाये

Shri Mahanty: Mr. Speaker, Sir I believe the hon. Home Minister shares the view.....

Some Hon. Members: Sir, no Member from this side has been allowed.

Mr. Speaker: There is no chance of any hon. Member on this being detained.

Shri Mahanty: Mr. Speaker, Sir, I believe the hon. Home Minister will have no hesitation in sharing with us the view that preventive detention is not going to be a permanent feature of our civic life. Then, it boils down to this. It is a temporary measure; it is a temporary expedient to meet certain exigencies of circumstances. Therefore, I venture to submit before this House whether we are justified in giving piecemeal extension to a measure which was never meant to be a permanent one. (*Interruptions*). Therefore, the limited issue before us is to examine whether the exigencies of circumstances, whether the time content as it is today in this country justifies the piecemeal extension and whether we are justified in further extending this measure which is now about to lapse.

To consider this, it will be very important to determine the genesis of this measure. As it has been pointed out by other hon. Members, Sardar Patel, in 1950, never meant it to be of a permanent character. (*Interruption*). A large number of detenues were going to be released in 1950 and that he had offered as a justification for bringing this measure. In 1951, the other Home Minister, Shri Rajagopalachari, in bringing this Bill, had said that mere preventive measures of the sort covered by the present Bill will not solve all our difficulties. We have to act at both ends. We have to take constructive measures for the amelioration of the condition of the masses. We know that this is the best preventive measure against subversive activities. Therefore, at that point of time, the successor of Sardar Patel, even in the year 1951, had no doubt in his mind that this is a merely temporary measure and the real measure to counteract subversion was ameliorative measures and not preventive detention.

Dr. Katju the other Home Minister, in 1952, also expressed the same opinion. He said that this Bill was not going to be enacted for the suppression of any political opinion but it was directed against individuals who may be engaged in activities which may be dangerous to the preservation of defence or to the conduct of our external affairs or to the security of India and that it was never meant to be a permanent feature of law.

Shri Tyagi: Our present Home Minister is also of the same view.

Shri Mahanty: Therefore, I began by saying that the hon. Home Minister shares with us the view that this is not going to be a permanent measure.

The next point that I would like to put before him is this. Whether the present time context necessitates the re-enactment of this statute? For that we shall have to rely not on our subjective feelings which, I am sure, the hon. Home Minister will never accept. I do not say that we should be guided by emotions. Let us go by facts. What do I find? From 31st December 1959 to 1st September, 1960, out of 160 people detained under this Act, this is the break-up, for violent activities 49,—Violent activities have not been defined—Violent activity may mean anything and everything. Then, you find for goondaism 54. Then, we have Naga hostiles 9; instigating breaches of law 2; espionage 1; and so on. If we analyse these figures we will find that the majority, at least 70 per cent have been detained under preventive detention for violent activities and goondaism.

I do not know what the definition of goondaism is. Whatever that may be, I find that the goonda is going to be the ubiquitous person who is providing a sort of *raison d'etre* for having this

[Shri Mahanty]

preventive detention. In that case we shall have to see what are the judicial pronouncements about goondas, detained under preventive detention.

There have been two cases during this period of one year. There is the case of *Rabinder Kumar Sardarilal* vs. *Rajasthan Government* where the ground was given was that he was a goonda and subsequently other charges followed. The High Court held in this case that if the local police is helpless in securing conviction of a criminal he should not be detained under the Preventive Detention Act.

There has been another case in Mysore. It was *Sangappa Mallappa Kodipi* vs. *Mysore Government*. There again, the ground was that he was a member of a gang and he was a goonda. The hon. High Court have held that Preventive Detention provisions actually are taking the place of the Criminal Procedure Code and they are being utilised for the purpose of detaining habitual criminals.

I have cited these two cases to show that you are now going to utilise preventive detention as a short-cut to maintain law and order. This House has to consider this neither in emotion or in bias. Whether we are going to allow preventive detention to be utilised as a short-cut for the maintenance of law and order is a legal question. Why do I say so? There is a valid reason for that.

You will find in the Act that even a Police Commissioner can authorise detention of a person under preventive detention. The hon. Home Minister must be knowing Police Commissioners much better than I do because he has come more in contact with such Police Commissioners the kind of which has been described in this Act. Here is a police officer; he authorises detention. He is entrusted with the maintenance of law and order. He cannot secure the conviction of a person in the normal course of law. Therefore, he takes recourse to this unusual, abnormal process and secures conviction as a goonda. And, as I have already said, the High Courts of Rajasthan and Mysore have had to make pronouncements, nullifying such detentions.

There is another aspect and that is a very vital and fundamental aspect which should not be ignored. It has been said, time and again, that the Constitution of India had also contemplated preventive detention; otherwise, the words 'preventive detention' would not have occurred in article 22(4) of the Constitution. You will find that in our Constitution no freedom has been unrelated, no freedom has been unrestricted except the freedom of the Government, except the freedom of the Ministers, except the freedom of the high-handed officers. Every freedom in this country is related and restricted. When we come to article 9, what do we find? We find that certain fundamental freedoms with reasonable restraints have been guaranteed to the good citizens and not to criminals, who are a danger to society. There are criminals; but there are any number of provisions in the Criminal Procedure Code to take care of them. Here, you are dealing with citizens who are not *prima facie* criminals, about whom you have no clear charge but you have only a suspicion and a notion that the activities of these persons may be contrary to the best interests of the security of our State. Therefore, I would beg of you to consider whether you are entitled to keep a citizen in detention without sufficient reasons for even twelve days. Your Constitution says that reasons for detention must be communicated to the person concerned within 24 hours. Now, let us take this point. The hon. Minister said that *suo motu* they have released some persons; he seems to have taken some pride in doing so. I was really pained at that; I was pained that a man of his eminence should be talking like this. It only shows that there were no justifiable grounds to have detain-

ed these persons who were subsequently released. What moral, political or ethical right have you then to keep a man in detention even for 12 days, if you have no charge against him? That is a tragedy too big for tears.

You are talking of developmental plans and for that you need preventive detention. This is what the hon. Minister said yesterday. In that case, you can make it a chapter of your Plan.... (*Interruptions*). If you want to have development by putting citizens behind the prison bars under preventive detention, it is better we preach anarchy than obedience to law, which is no law.

My last argument will be this. I have analysed the time-context and in my humble and limited way I have tried to bring out the enormities of the situation arising from the implementation of this law. Now, section 3 of this Act lays down the circumstances under which the Central Government or the State Government may authorise preventive detention. One of the most fundamental and principal considerations, is the security of India and the defence of India. We all know that our northern borders are galore with anti-national activities. Now, how many persons have been put in detention? You have been able to detain none. We know what has been happening in the Nagaland? How many people have been detained here?

Shri Braj Raj Singh: Shri Achaw Singh is one of the detenus in Manipur.

Shri Mahanty: I am not talking about Manipur; I am talking about the Nagaland. Acording to these figures, you have been able to book 9 Naga hostiles and two for instigating and breaches of law. You have not been able to put a single person in the Northern borders of India, where it is a serious problem and our security is threatened. I believe that the hon. Minister will have no manner of doubt in his mind that the principles of even this lawless law, undesirable law, had not been given effect to where it was necessary and it was required.

Shri Tyagi: In the opinion of my hon. friend, it was justified to apply it there?

Shri Mahanty: Do not run to conclusions.

Pandit K. C. Sharma (Hapur): Do not look for logic.

Shri Mahanty: What I am saying is that it has not been utilised even in the northern borders for which it was meant originally. It was never meant for goondas for whom there is the Criminal Procedure Code. I submit that this has been utilised by an inefficient administration to book persons whose convictions they could not procure under the due process of law. This law has been used as in the case of Shri P. N. Singh, to satisfy the political vendetta, to square up political accounts; it has been utilised for the other types of persons for alleged habitual goondaism which is never defined in law, in court in statute and certainly this is not the way in which they should be dealt with. Therefore, I maintain and I have no manner of doubt in my mind that this is a lawless law and it should be resisted and we have done our duty by voicing our opposition to the extension of this lawless law and it will be perfectly within our right to agitate for its repeal outside this House also.

Dr. M. S. Aney (Nagpur): Sir, I think the hon Minister who moved the motion for consideration of this Bill has not made a proper approach to the question at all. I am of the opinion that the step that the Government is taking is not right and statesmanlike. The hon. Minister has tried to show that after all this statute has been in existence on the statute book and it has been working and only 500 people had been affected till this time and he placed all the classifications under which these cases came and so on. It looked to me that he was taking the whole thing in a light-hearted way; he forgot that he stands as a member of the Congress Party. The Congress Party has a tradition behind

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it. The Congress is not an organisation which has just come up only at the time of the last elections or at the time of Independence; it has been in existence for the last 70 or 75 years or even more and all these years it has developed a tradition. You, Sir, know as much as we do, we, the members of the Congress Party sitting in this House—that one of the points on which the Congress Party was very keen during all those days was to fight for the liberty of the individual, for the repeal of all repressive laws which oppressed the liberty of speech, liberty of action, liberty of association and so on. You may also remember, Sir, the memorable occasion when our late Satyamurthy moved a Bill in this House for the repeal of all repressive laws, including the Rowlett Act also and the marathon speech in the House which thrilled all the persons. That was the spirit in which the Congress was working in the old days and that was the reason why the country was behind Congress. It was this spirit which placed before the people a kind of an ideal of liberty and which enabled the people to support the Congress all these years.

14 hrs.

The Congress has come to power and naturally the people expected that all these evil things that existed before will gradually disappear. But what do they find today? Some of these repressive laws are being made again and the Preventive Detention Act is one of those laws. I know the peculiar difficulties that prevailed when this law was made. Peop'e were then given to understand, as many hon. Members have stated it before, that it was meant to last only for a year. But a bad thing has always got some good taste about it. It would satisfy the sordid taste of the man, and once he gets habituated to it he is unwilling to part with it and the vicious habit grows in him. It is not only true in the case of some individuals, it is also true in the case of groups of men who happen to be in power.

Sir, this Preventive Detention Act is not only bad by itself. But it has got some other worse features also. It demoralises the State which uses it. Along with this law there are the normal laws also even which are similarly used by them. There is one peculiar thing which you must note. Bombay and Calcutta are considered as the most progressive States. It is those States which have made the greatest use of this law, as if the progress of the State or its people is to be judged by the incompetence of the Government there to rule with the normal laws. They require abnormal laws to rule the people and that seems to be the test of the competency of those people who are called progressive.

My point is this. There is a strong vicious tendency generated in those people who are responsible for administering this law. This law is being administered by the States and not by the Central Government which enacts it. It is actully administered by people like the District Magistrates or some other magistrates who are authorised to do it. I do not know whether the figures relating to Bombay given by the hon. Minister include the persons detained under this law from the division of Nagpur-Berar. To my knowledge, Sir, they were 18 in number. Out of these 18 persons, one was released by the Government themselves without giving any reasons. Of the remaining 17 persons, ten were released by the Administrative Board. They found that the grounds given were untenable against the explanations taken from the accused and, therefore, they could not be detained at all. In the case of five persons their applications were allowed by the High Court and they were set at liberty. Only in the case of two persons the High Court did not allow the applications and their cases are pending before the Supreme Court—I shall not say anything about those persons.

Who were these men? They were not men who were guilty of any

heinous offences, they were men belonging to a political group who were fighting for the sake of having Vidarbha separated from Maharashtra. That is the fight that they were carrying on. 17 persons belonging to that group were detained. The main object of detaining those men was to see that by taking away the leading men the movement was paralysed. In this way, instead of fighting with the rival group in an honourable manner, allowing them to have all constitutional freedom to carry on the movement, unfortunately, the Government resorted to this Act.

What is the meaning of releasing all those persons after some time? The reason is quite plain. The Administrative Board itself found that the District Magistrate had acted not wisely in detaining those men and he had not sufficient grounds to detain them. Acquittal by the High Court also means the same thing. It means that the persons to whom these powers are delegated, the persons who are empowered to administer the Act have no proper discretion to make a selection of persons for the sake of detention under this Act. Out of 17 persons who were detained by them 15 persons have been released in this way—ten by the Administrative Board itself, five by the High Court and one by the Government themselves. Such are the District Magistrates who are administering the province of Nagpur at present.

My point is this. Not only the Act is bad, but it creates a demoralising tendency among the people who are empowered to administer it. Instead of dealing with people under the normal law they resort to this handy weapon, they try to keep the persons under detention and get rid of the whole affair. Therefore, the operation of high-handedness is there on a greater scale than was anticipated by those who framed this law. The law was designed to secure freedom of the country against all persons who had evil designs against the freedom of the country. Now it is being used for other purposes and by officers who have not got the slightest responsibility, not even one-tenth of the responsibility which the elderly statesmen who sit on the Treasury Benches here carry. When you are asking for continuation of this law you have to look to this point also.

I shall try to bring to your notice the various grounds that were mentioned against those who were detained by the Government. The first ground was that they had made a conspiracy on some particular day for the sake of carrying on certain violent activities in the city of Nagpur. On that the finding of the court was that the affidavits filed by the Government failed to prove that there was reasonable ground for the District Magistrate to come to the conclusion that there was a conspiracy. It was said that a meeting at a particular place was held. On the other hand, the fact has come on the record that the person at whose house this conspiracy was said to have been made was himself not present there and he was in jail on that day. Another person who was supposed to have been present there was also injured on that day. When these things were found the High Court made very stringent remarks. They did not say that there was *mala fide* they simply said that there was not enough proof before the court to hold that the District Magistrate had sufficient grounds before him to come to the conclusion that there was any conspiracy being made.

The second ground was that these persons attacked a procession which was started by the people of Nagpur on that day in connection with the Shivaji festival. The affidavits that were filed before the court showed that the persons who were detained had not attacked the procession but had gone there to persuade the people not to go by a particular way to avoid a certain clash. It is they who were beaten, it is they who were injured, it is they who were sent to hospitals. All these facts have been recorded in this judgment. I do not

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want to read the whole judgment. I shall read out only the relevant portion. It says:

> "In the circumstances, in our judgment, the order of detention passed on the 8th June is not legally valid. In view of the conclusions reached, it is not essential for us to deal with the second question raised by the petitioner."

Then, the judgment says:

> "It has been averred by the petitioner that on the 22nd April, 1960, Mr. Mazurkar was also in jail under detention and it was impossible for him to have attended the meeting. It has not been denied in the affidavit filed before the district magistrate that Mr. Mazurkar was on detention on the 23rd April, 1960. The statement made by the petitioner that Mr. Mazurkar was also under detention on the 22nd April, 1960 has therefore to be accepted, and when it is accepted, it is clear that even if it is assumed that there was any information laid before the district magistrate about the holding of the meeting on the 27th April was not authenticated or verified or credible information, and in the absence of any affidavit of a person having personal knowledge, it cannot be said that there was material before the district magistrate regarding the alleged meeting on which he could reasonably act."

So, all the grounds on which the district magistrate tried to justify the detention have been found by the court to be untenable and unjustifiable. They have not used the word *mala fides*. So, I do not also want to use that word. But the thing is, *bona fides* is certainly dubious even if *mala fides* were not proved.

I mention these facts for this reason, because, my hon. friend Shri Datar, when he made his speech yesterday, said that the law was being administered in a general way and in a satisfactory manner. It is not so. Only a few cases go to the high courts, the facts have been thrashed out there and still fewer cases go to the Supreme Court. But whenever they go, it is generally found that those orders that have been passed are generally passed by persons in authority who are not sufficiently vigilant and do not care to see that all the requirements of the law which are there are duly taken note of in passing their orders.

For these reasons, I condemn this law which is bad as it subverts the rights which have been guaranteed to the people, under the chapter on fundamental rights in the Constitution, and secondly, it allows the State Governments to use other laws also in a manner which will be high-handed. I can only say that this law is certainly bad and it does not deserve to continue.

I should like to make one more point before I sit down. The number of persons who have been detained under this law is only 17. But under the other laws there are thousands of persons who are detained and even now hundreds are there who are awaiting their trial. The trials are going on for months together. There is a kind of terror. It is the police rule that is going on in the city of Nagpur at least. I am sure that so long as the Central Government justifies a law like this, the temptation on the part of the State Governments to use all their extraordinary powers under the ordinary laws will remain there, and instead of allowing the people to be ruled by normal laws, they will have recourse always to abnormal laws, and the people will feel that they are being deprived of their liberty which they are entitled to have, having fought the battle for freedom and after having stood and suffered for the principles of liberty.

Therefore, I would humbly press on the attention of the hon. Home

Minister that he should take all these facts into consideration, not only what has been done before but what is likely to come hereafter, and he should consider whether it is wise to perpetuate this Act.

There was one hon. Member from the Congress Benches who was saying that this measure should be permanently put on the record. I regret the Congress has gone down to that stage. Instead of repealing it, not only did the hon. Member want it to be continued for some period but he wants it to be permanently put on the statute-book. The mind of the Congressmen themselves is being changed. From the love of liberty, they have cultivated a new love for power, and in order to see that power remains in their hearts, they want to use every right of power which can be arbitrarily used! To that state, our minds are gradually changing. I therefore want the hon. Home Minister to take all these points into consideration and see if he can consider it right not to press this motion.

Shri Vajpayee: Are we to understand that the discussion will be continued on Monday?

Shri V. P. Nayar (Quilon): Some; not all.

Mr. Speaker: Not even some. Only there will be the reply of the Home Minister that day.

Shri B. K. Gaikwad (Nasik): We may be allowed to speak today.

Shri N. R. Muniswamy (Vellore): It is an important measure.

Shri Vajpayee: All shades of opinion have to be expressed.

Mr. Speaker: There is no chance of some hon. Members at all being detained. I can understand persons who have suffered one way or the other desiring to speak. I leave it to hon. Members.

Shri Tangamani: The time allotted was five hours. There is discretion for you to extend it by another hour. We have taken four and a half hours till now. Then, one and a half hours would remain. If the hon. Minister takes half an hour or so, about one more hour will finally remain.

Mr. Speaker: If the House is willing to sit longer, we will have this discussion till 3 O'clock, and the hon. Minister will reply on Monday.

Shri S. M. Banerjee: Let us have this till 3·30.

Mr. Speaker: Will hon. Members confine their speeches to ten minutes each?

Some Hon. Members: Yes.

Mr. Speaker: Then, I will ring the bell at the end of ten minutes, so that I could call as many hon. Members as possible. So, we will conclude this discussion at 3·30. The non-official business will be taken up at 3·30 and we will go on till 6 O'clock.

Shri N. R. Muniswamy: There is the President's At Home at 4·15. Many of us want to go to attend it. So, it will be advantageous to have the discussion on Monday.

Mr. Speaker: The reply of the Minister will be on Monday. I am not going to extend the time. When some hon. Members do not want this Bill to be on the statute-book and when they want to vote against it, I want to have it finished even today.

Shri Vajpayee: We are prepared to forego the President's At Home. We would like to speak on Preventive Detention Bill.

Mr. Speaker: I leave it according to the desire of hon. Members. I will continue with this debate till 3·30. That means extending the time by an hour and a ha.f. The hon. Home Minister will reply on Monday and none else would speak on the Bill that day. He will reply on Monday.

Shri Raghubir Sahai: Mr. Speaker, Sir, I have listened to the speeches of hon. Members both on this side as well as on the other side for the last two days with very great attention. Every time this Bill or this Act is brought up before this House for its life being extended, it always creates a heated debate in this House. Almost the same kind of arguments are being repeated; arguments on moral, ethical, philosophical and constitutional grounds, every kind of argument is being advanced, sometimes with very great emotion, passion and indignation. I cannot say whether that indignation shown in this House is always righteous or not. My friends, who are opposing the extension of this Act forget that there is a clear provision in the Constitution with regard to that and towards which attention of hon. Members was drawn by the Minister yesterday when he made the motion for extending the life of this Act.

Article 22—which deals with arrest and detention in certain cases—clearly lays down:

"Nothing in clauses (1) and (2) shall apply—

(a) to any person who for the time being is an enemy alien; or

(b) to any person who is arrested or detained under any law providing for preventive detention."

This is a clear provision under the Constitution. The point for us to consider is when does that occasion arise when preventive detention should be used or an enactment of that kind should be brought forward before Parliament.

It is a legally constituted Government that is working here and in every State. Government has got the right to decide for itself whether the occasion has arisen for bringing forward the provisions of this Act. This Government does not act in an arbitrary manner. The law and order position is a State subject, and every State, as the Minister stated yesterday, has very clearly said that they want the extension of this Act, including Kerala.

The other day my esteemed friend, Shri Asoka Mehta, brought forward a number of arguments in regard to the withdrawal of this Act and he said that it should go lock, stock and barrel. We can appreciate his sentiments, because he is very straightforward. But his own colleague Shri Pattom Thanu Pillai, Chief Minister of Kerala, has agreed to the extension of this Act. So, there is difference between a PSP gentleman in office and a PSP gentleman out of office. It is not only emotions, passions and indignations under which a Government is run. Government can only be run by cool-headedness, reasonableness and wisdom. I ask my friends to exercise that amount of reasonableness, coolness and wisdom.

14.25 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

All the arguments that have been advanced yesterday and today by my friends of the Opposition point to this fact that we on this side are mere blood-suckers and we want to imprison everybody who disagrees with us. With all humility, I would say, we have also been political workers for our whole lives and we very much value and appreciate the value of freedom. But if there are circumstances in which public order is disturbed and public security is disturbed, what is the Government going to do, if it does not act on the advice of the State Governments?

More relevant in this connection would have been to point out, as some hon. Members did, the instances where the Act has been abused and to say that greater attention should have been paid to those instances. I am not prepared to say that the Governments are infallible. That is not the claim of the Government here or in the

States. Mistakes could have been made. But there are checks and counter-checks whereby those mistakes would be minimised.

When we see the working of this Act, we find how carefully the provisions have been exercised. The hon. Minister yesterday gave a resume of the figures for the last three years. With your permission, I would also like to quote some figures. On 30th September, 1957, the total number of detenus was 205, out of which were 30 from West Bengal for goodaism and 100 from Punjab for violent activities. On 31st December, 1958, the total number of detenus was 72, out of which from West Bengal, 50 were detained for goondaism and 2 for preaching violence. On 31st December, 1959, the total number of detenus was 90, out of which from West Bengal alone 56 were detained—54 for goondaism and 2 for preaching violence. On 30th September, 1960, the total number of detenus was 116, besides 96 detained on 31st December, 1959, out of which the number from West Bengal was 53—48 for goondaism and 5 for violent activities. All these figures have been culled from the statistics supplied to us by Government. There are certain distinct trends which you would observe. The trend is about goondaism and I am sorry to say that West Bengal is taking the lead in this respect.

There is a Goonda Act of 1923 in West Bengal, which says that 'goonda' includes a hooligan or other rogue. In U.P. also there is a Goonda Act of 1932, which was amended in 1942, where 'goonda' means a hooligan, bully, rogue or badmash. Why should there be so much solicitousness for this class of people? Why should there be so much anxiety for these people who take the law into their own hands? Why should they not be relegated to the position which they deserve?

It has been stated that these people can be dealt with under the ordinary law. Everybody knows that if we resort to ordinary law, it causes inordinate delay. Also, when these nefarious persons are there, how can evidence be called against them? It is because of these difficulties that the Preventive Detention Act has been enacted and is being used.

Some hon. Members have referred to the Preventive Detention Act of 1950. The Preventive Detention Act of 1960 is very different from the Preventive Detention Act of 1950. I submit the sting out of the tail has been taken away. You would find how this Act has become different. Every detenu can interview a lawyer of his own choice. In Bengal, this right has been exercised by a number of detenus.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Raghubir Sahai: May I have a couple of minutes more?

Mr. Deputy-Speaker: The Speaker has said that after 10 minutes, the next Member is to be called.

Shri Raghubir Sahai: I bow to your ruling.

श्री बाजपेयी : उपाध्यक्ष महोदय, नजरबन्दी कानून की अवधि को तीन वर्ष के लिए बढ़ाने का विधेयक इस बात का ताजा प्रमाण है, ताजा उदाहरण है कि संकट के काल में सरकार जो असाधारण अधिकार प्राप्त कर लेती है, उन्हें फिर आगे जा कर छोड़ना नहीं चाहती है। परिस्थितियां बदल जातीं हैं, किन्तु सरकार अपने शस्त्रागार में जो हथियार इकट्ठे कर लेती है उन्हें कम करने के लिए तयार नहीं होती है।

श्री दातार के भाषण से ऐसी किसी भी असाधारण परिस्थिति का परिचय नहीं मिलता जिस का सामना करने के लिए नजरबन्दी कानून की आवश्यकता हो। और अगर उत्तरी सीमा पर चीन की कार्रवाई से कोई असाधारण परिस्थिति उत्पन्न हुई भी है तो

[श्री वाजपेयी]

प्रधान मंत्री जी और गृह मंत्री जी इस बात की घोषणा कर चुके हैं कि उसका निराकरण करने के लिए एक अलग विधेयक इस सदन के सामने प्रस्तुत किया जाएगा। मैं नहीं समझता जब सरकार सीमा सम्बन्धी प्रचार पर नियंत्रण लगाने के लिए एक अलग विधेयक लाने का विचार कर रही है और उसका सम्भव है समर्थन भी किया जाए तो फिर इस नजरबन्दी कानून की अवधि को बढ़ाने का क्या औचित्य है। इस चीज को अभी तक स्पष्ट नहीं किया जा सका है। राज्य मंत्री महोदय ने यह भी दावा किया है कि इस विधेयक को राजनीतिक विरोध को समाप्त करने के लिए काम में नहीं लाया गया। मैं इस दावे का खंडन करना चाहता हूं और मेरा उन से निवेदन है कि जिस प्रकार से यह नजरबन्दी कानून पश्चिमी बंगाल में पिछले तीन साल से भारतीय जनसंघ के कार्यकर्त्ताओं के खिलाफ़ काम में लाया गया है, इसके बारे में गृह मंत्रालय की तरफ से जानकारी इकट्ठी करें। १९५६ में हमारे भारतीय जनसंघ के तीन प्रमुख कार्यकर्त्ताओं को, १४ सितम्बर को नजरबन्द कर दिया गया। १९५८ में जनसंघ के संगठन मंत्री को नजरबन्द किया गया और जिस तारीख को एक साल की नजरबन्दी काटने के बाद वह जेल से छूटे उसी तारीख को जो जनसंघ के दूसरे मंत्री थे, उन्हें गिरफ्तार कर लिया गया। जो गिरफ्तारी के कारण दिए गए हैं उनकी ओर मैं आपका ध्यान खींचना चाहता हूं। एक कारण तो यह दिया गया है कि वे नेहरू-नून समझौते के खिलाफ़ प्रचार कर रहे थे। मैं नहीं समझता कि नेहरू-नून समझौते के खिलाफ प्रचार करना कोई नजरबन्दी का कारण हो सकता है। आज सारा पश्चिमी बंगाल नेहरू-नून समझौते को कार्यान्वित करने के खिलाफ़ एक आवाज से खड़ा हो गया है। ऐसी सिथति में क्या आप सारे बंगाल को इस नजरबन्दी कानून में बन्द करेंगे.....

श्री स० मो० बनर्जी : जेलें इतनी नहीं हैं वर्ना कर लें।

श्री वाजपेयी : केवल यही कारण उच्च-न्यायालय में जा कर निराधार साबित न कर दिया जाय, इसलिये एक कारण और भी जोड़ दिया गया जिस को मैं अभी कोट करूंगा। श्री राम प्रसाद दास जो कि जनसंघ की आल इंडिया वर्किंग कमेटी में भाग लेने के लिये नई दिल्ली आ रहे थे उन्हें एक दिन पहले गिरफ्तार कर लिया गया और उन पर आरोप लगाया गया, मैं कोट करता हूं :—

"That you intend to proceed to Delhi on 9th October, 1958 and that you are likely to instigate plans which may adversely affect the personal security of the Prime Minister of India."

Shri Tyagi: It is a serious charge.

श्री वाजपेयी : मैं मानता हूं कि यह बड़ा गम्भीर चार्ज है, किन्तु क्या गृह-मंत्री जी इस बात को अपने हृदय पर हाथ रख कर कह सकते हैं कि जनसंघ की आल इंडिया वर्किंग कमेटी में भाग लेने के लिये आने वाला कोई व्यक्ति यहां आ कर हमारे प्रधान मंत्री जी की सुरक्षा को खतरा पहुंचा सकता है, उन के जीवन के खिलाफ षडयंत्र कर सकता है, और अगर ऐसा कर सकता है तो केवल उसी को गिरफ्तार क्यों कर लिया गया, पूरी वर्किंग कमेटी बैठी हुई थी उस को आप गिरफ्तार कर सकते थे। अगर आप समझते हैं कि देश के प्रधान मंत्री जी के सम्बन्ध में हमारे दिलों में इतना भी आदर नहीं है तो मेरा निवेदन है कि आप भारतीय जनसंघ पर प्रतिबन्ध लगा दीजिये और नहीं तो कम से कम हमें विश्वास में ले कर बताइये कि जनसंघ में कौन ऐसे व्यक्ति हैं जो प्रधान मंत्री जी की हिफाजत नहीं चाहते

हैं, हम पार्टी में उस के खिलाफ कार्रवाई करेंगे, पार्टी से उस को निकाल देंगे । षडयंत्र हमारे देश के प्रधान मंत्री के जीवन के खिलाफ हो और हमें बताया भी न जाये और फिर ताज्जुब की बात देखिये कि एक साल के बाद वह व्यक्ति रिहा कर दिया गया । अगर वह कोई षडयंत्र कर रहा था तो आप अभी भी उस के खिलाफ मुकदमा चलायें और उस को सजा दिलवायें । लेकिन ऐसा नहीं किया जाता है । आखिर में हाई कोर्ट में उस का मुकदमा गया और उस ने कहा कि अमुक व्यक्ति को जल्दी से जल्दी छोड़ देना चाहिये । मगर हाई कोर्ट के निर्णय को नहीं माना गया । चार महीन तक उस व्यक्ति को जेल में बन्द रखा गया, हाई कोर्ट के फैसले के बाद भी । मैं हाई कोर्ट के फैसले की कुछ पंक्तियां, उपाध्यक्ष महोदय, आप के सामने रखना चाहता हूं । कलकत्ता हाई कोर्ट ने अपने फैसले में कहा :

"As successive Secretaries of the Jan Sangh appear to have been arrested and detained for long periods, although nothing untoward appears to have occurred, we have no doubt that the Government will consider the question of releasing the detenu as soon as possible".

यह कलकत्ता हाई कोर्ट की सिफारिश है, मैं इसे फैसला नहीं कहूंगा । सरकार को चाहिये था कि इस सिफारिश का आदर करती मगर हाई कोर्ट की इस सिफारिश के बाद भी उन को और चार महीने तक जेल में बन्द कर के रखा जाता है । बाद में उन को छोड़ा गया । मैं पूछना चाहता हूं कि क्या यह नजरबन्दी कानून का दुरुपयोग नहीं है ? अगर आप समझते हैं कि देश में कोई ऐसे तत्व हैं जो देश की शान्ति को, देश की सुरक्षा को संकट में डालना चाहते हैं तो उन पर खुली अदालत में मुकदमा चलायें, उन की आपत्तिजनक कार्रवाईयों पर रोक लगायें, मगर नजरबन्दी कानून की आड़ ले कर उन्हें उन के वैध कार्यों से रोकना इसे कभी भी उचित नहीं कहा जा सकता । नजरबन्दी कानून किसी भी व्यक्ति के खिलाफ लाया जाये, मैं उस के समर्थन में नहीं हूं, फिर चाहे वह शेख अब्दुल्ला हों या मास्टर तारा सिंह हों । बिना मुकदमा चलाये किसी भी व्यक्ति को नजरबन्द रखना ठीक नहीं है । और अगर देश में कोई ऐसे तत्व हैं, ऐसी शक्तियां हैं, जो देश की स्वतन्त्रता को, देश की सुरक्षा को संकट में डालना चाहते हैं, जो विदेशों से धन या हथियार प्राप्त कर रहे हैं, जो पंचमार्गियों के रूप में काम कर रही हैं, उन के लिये एक ला आफ ट्रीजन आप अलग से बना सकते हैं, गद्दारों के खिलाफ एक कानून आप अलग से बना सकते हैं । मगर नरजरबन्दी कानून और उस का इस तरह का राजनीतिक दुरुपयोग, इस का कोई भी समर्थन नहीं कर सकता है ।

मैं गृह मंत्री महोदय से निवेदन करना चाहता हूं कि पश्चिमी बंगाल में जनसंघ के कार्यकर्ताओं के खिलाफ यह एक्ट जिस तरह से काम में लाया गया है, उस की वह जांच करें और हमें बतायें कि हमारे कार्यकर्ता वहां ठीक काम कर रहे हैं या नहीं कर रहे हैं । अगर नहीं कर रहे हैं तो हम उन के खिलाफ कार्रवाई करेंगे । लेकिन केवल पुलिस की रिपोर्ट पर आप कार्रवाई करना चाहते हैं । उपाध्यक्ष महोदय, मैं आप के सामने पुलिस रिपोर्ट का एक उदाहरण पेश करना चाहता हूं । पुलिस ने अपने ग्राउन्ड में लिख दिया कि अमुक दिन जनसंघ के कार्यालय में एक मीटिंग हुई थी उस में आप ने भाषण दिया कि पश्चिमी बंगाल से सब मुसलमानों को खदेड़ देना चाहिये । हमारे कार्यकर्ता का कहना है कि उस दिन मैं उस मीटिंग में गया भी नहीं था और पश्चिमी बंगाल जन संघ के वाइस-प्रेजीडेंट को जो एक मुस्लिम सज्जन हैं, उन का कहना है कि मैं उस मीटिंग में था और ऐसी कोई बात नहीं कही गई । ब किस को सच माना जाए । ऐसी हालत में क्या केवल पुलिस रिपोर्ट पर आप किसी आदमी को एक साल के लिये नजरबन्द कर

[श्री वाजपेयी]

देंगे ? मेरा निवेदन है कि नजरबन्दी कानून के इस तरह के उदाहरण सरकार के इस दावे का खंडन करते हैं कि सरकार इस कानून का दुरुपयोग नहीं करती। सरकार को चाहिये कि इस कानून की अवधि को बढ़ाने से पहले, वह इस बात का विचार करे, हम को समझाये, सदन को विश्वास में ले और बताये कि आखिर देश में ऐसी कौन सी परिस्थिति है जिस में लोगों को बिना मुकदमा चलाये नजर बन्द करने का अधिकार उसे चाहिये। श्री दातार के भाषण से इस प्रकार की किसी स्थिति का संकेत नहीं मिलता। सम्भव है पंडित पन्त इस सम्बन्ध में कोई प्रकाश डालें लेकिन उन्हें भी मैं स्मरण दिलाना चाहता हूं कि नजरबन्दी कानून किसी को, किसी भी दल को, किसी भी पार्टी को खत्म करने का तरीका नहीं है। अगर आपको यही करना है तो उसके लिए आपको दूसरे तरीके अपनाने होंगे और उन तरीकों में जनता का विश्वास प्राप्त करना होगा। लोगों को नजरबन्द करके कांग्रेस पार्टी अलोकप्रिय बनती जा रही है और जिन कांग्रेस के सदस्यों ने इस बिल का समर्थन किया है, उनको मैं चेतावनी देना चाहता हूं कि वह दिन दूर नहीं है जब कांग्रेस की सरकार, इसलिए कि—वे कांग्रेस के संगठन में उसका विरोध करते हैं, इस कानून के अन्तर्गत उनको भी नजरबन्द कर देगी।

Pandit K. C. Sharma (Hapur): I have heard with attention the speeches of my friends in the Opposition and I agree with them that this law, talking in the sense of the traditional meaning of law is not a law which can be supported on the principle of natural justice or due process of law under the American Constitution. But I beg to submit that the conception of natural justice, as enunciated by English people, was the result of centuries of peaceful life of the English people. Never the people in the world have been so obedient, so respectful to the letter and the spirit of law as the English people have been. Even an enemy of the English people, who has been found guilty of treason, can still stand in the King's way in London. But here even the Prime Minister could not go to unveil the statue of Shivaji because 2,000 people, violent people, are obstructing him. There cannot be a sadder commentary on the lack of respect and obedience to law and respect to the majesty of law. It is a queer phenomenon that a person sits here as a counterpart of the first Minister of the President and he rises himself not with a view to help and make a contribution to the best of his ability to get the best of laws for the country but he will do his best to break the law in the way he likes. Such a phenomenon is impossible to be found out in any constitutional democracy.

I regret and I am sorry that such a law should be necessary. But if you have got such a leader in the opposition, such a law becomes unavoidable. The traditional notion of law is that there should be nine sorts of hearing, some of which, it is true, are not provided in the Preventive Detention Act. But that traditional law is passed when there is peaceful condition. But what is the position in India? The opposition leaders are in the front in breaking the laws in Assam. The situation there is, according to the comments of a distinguished paper:

> "Political differences, regional sentiments, economic factors, factional rivalries and personal ambition have all added a part in the breaking of the law and order and creating a state of anarchy".

Now, is it a peaceful condition? Is it a condition where the due process of law can be invoked in defence? Liberty itself must become a logical consequence, the resultant factor of the peace and order prevailing in the country.

I read another aspect of the question, and it is this. We have seen the classic conception of law. But what is the present conception of law?

> "It must be emphasized with all vigour, the classic law was a law of bodies".

that is to say, every man must secure his liberty to do whatever he likes:

> "while ours is a law of functions. The Romans created a juristic status; our task is juristic dynamics. For us persons are not bodies, but units of force and will; and things are not bodies, but creations of these units."

The hon. Minister of Home Affairs stated that we need this law for the progress and development of the country through the Plan. So, law has to be respected, liberty has to be respected for their positive functioning in the interests of the people themselves. Liberty has no meaning if it does not help the creation of better future for most of the people. So, the whole argument that liberty is in peril does not hold good.

Then there was a reference to lawless law. Ours is a constitutional democracy and whatever the Constitution permits is lawful. Within the limits of the Constitution any law passed by Parliament is a good law. A law would be passed for meeting a situation prevailing in the country. Nobody can deny that in Punjab, U.P., West Bengal and Assam a situation has been created which necessitates the continuance of this law. If the very section of the people who are supposed to help in building up a better future, a peaceful atmosphere and some respect for law and greater contribution for prosperity and healthy growth of the people, if the very same people are creating a situation of chaos then nothing can be done. To meet such a contingency, this sort of legislation helps the executive to maintain peace and order. Even in the Criminal Procedure Code there is provision for detention sections 109 and 110. The principle of preventive detention against crime has always been accepted in all the civilized countries. It is only in U.K. and America, which have got natural justice, rule of law and due process of law that this provision is not there. In the other continental countries there are more rigorous laws to prevent crimes, etc. and to ensure respect for the majesty of law, without which progress of a country is something impossible.

Dr. Krishnaswami (Chingleput): Mr. Deputy-Speaker, the time is short and so I shall only go briefly over some of the points that have been raised in this debate. The Minister of State in his speech yesterday gave us an utterance marked by logic and lucidity. Sir, I am opposed to this Bill; I am opposed not only to the way in which this Bill has been brought, but also to the substance of this Bill. But I should like to ask my friend, the Minister, whether he is promoting this Bill with great reluctance. It does seem to me to be more appropriate to say that you are promoting this Bill with great reluctance when you seek an extension of measure of this kind by means of an expiring laws continuance Bill. What is it you have done? The House will be shut out most effectively from considering any amendment to the principal Act. All that we will be asked to do is to vote either 'Ayes' or 'Noes' for the continuance of this measure.

And with the right to personal freedom abrogated it does seem to be very strange that no chance is given even to the representatives of the people to propose amendments with a view to making it less rigorous. I know there has been great praise for advisory boards. My hon. friend pointed out that an advisory board was a safeguard. That safeguard had to be put in there because of the constitutional provision. But I should like to point out that it is very clear to anybody who has given thought to the working of these advisory boards that they are totally unlike all High

[Dr. Krishnaswami]

Courts and that there is no possibility of sifting evidence as in the case of High Courts at all. Therefore, I should not like my friend to make a great deal of fuss when there is no need to make a fuss about these advisory boards at all.

I should like those of my friends who are here to give some attention to the very very sinister feature of this measure and I would wish that they would pay some attention to how they have worked in practice. Sometimes it happens, often it happens, that instead of seeking recourse to normal law, government seeks recourse to this extraordinary measure even when the normal law would be sufficient.

Hon. Members here have pointed out that in the case of the Government employees' strike there was no need whatsoever to invoke the Preventive Detention Act, Heavens would not have fallen if the Preventive Detention Act had not been invoked. The force of public opinion was there to sustain the ordinary machinery of justice and I am certain that without invoking this measure it would have been certainly very easy to put down the strike. The only thing that happened was that the authorities resorted to this measure only in order to lock up a few men in anticipation of a great outbreak of lawlessness. The ordinary administrative machinery was more than ample to control the Government employees' strike.

There is one feature about this Bill which struck me as odd and to which, I am sorry, my hon. friends did not advert sufficient attention. This measure is extended to cover 1962, the year in which our election is to take place. Can there not be a legitimate fear that this may be used against political parties and would this not lead to a fear that chances of a fair election are being jeopardised? I should like my hon. friends to ponder over this matter. It would have been altogether very satisfactory if evei in the case of continuing this measure they had decided to allow it to lapse six or seven months before the election is scheduled to take place for it would create a better atmosphere in the country, and a change in outlook may result—it may be psychological, it may be subjective—that the elections are being conducted in a much fairer manner than they would be with the presence of this Preventive Detention Act on the statute book.

The main argument of my hon. friend is that this preventive detention measure is necessary in order to restrain large outbreaks of lawlessness. But what is it that has occurred? Wherever outbreaks of lawlessness have occurred on a large scale the Preventive Detention Act could not be invoked. It would be next to impossible to invoke the Preventive Detention Act where strong linguistic passions are roused, where large groups believe in breaking certain laws. That was the reason why in Assam, for instance, we could not invoke the Preventive Detention Act in order to curb the agitators.

I have heard a great deal about this argument about security. I am all in favour of security being maintained and of subversive elements being controlled. But I am asking this one simple question. I ask my hon. friend the hon. Home Minister to apply his mind to this aspect of the matter. If a particular State on the border requires special measures, there surely are local security Acts. The State legislatures and the State executive have ample powers for dealing with the situation. There are already on the statute book several public security Acts and, if necessary, they can be tightened up. Why should we have an all-India measure covering the whole of India and practically advertise to the world at large that we are in such a serious situation that we cannot get on without a Preventive Detention Act? No case has been made out for a Central Act. In spite of my patiently listening to my hon.

friend, the hon. Minister of State, I must say that he has given a singularly unconvincing performance yesterday. I have not in the least been convinced by what he has pointed out.

On all these matters we have pursued the whole thing in a sort of a routine way. My hon. friend said that there are only a few cases of people being locked up. Surely if there are a few cases—and I am willing to accept his argument for a moment—why then should we not use the ordinary law to control these cases? There are other considerations which, they say, they have in view. My hon. friends opposite have pointed out that the Constitution authorises us to pass a Preventive Detention Act. I say and I say it with the utmost confidence that while the Constitution does not preclude the passing of Preventive Detention Act legal, it certainly does not invite or encourage the Government to pass this measure. In fact, the Constitution-makers were much wiser than the Government in having suggested certain safeguards which ought to be taken into account even in the gravest of grave emergencies. Article 357, 358 and 359 point out that even if the President declares an emergency and suspends all the rights under Article 19, a minimum safeguard, namely, that of having an advisory board and of giving the detenu a right to appear before that should be maintained. In fact, that was the reason for putting this preventive detention clause in Chapter III which deals with fundamental rights and not to give an opportunity to hon. Ministers to invoke this as an excuse for perpetuating the Preventive Detention Act.

If my hon. friend, the hon. Home Minister, is still convinced that this measure is necessary, the obvious and proper course for him would be to take Parliament into confidence, to have a bill referred to a Select Committee and then convince us that this measure is necessary. What is this way of treating Parliament and suggesting that we are passing this measure after obtaining the views of Parliament? This is a very serious measure. This is a measure which affects personal liberty and it ought to be the duty of hon. Ministers as well as that of legislators to have an opportunity of examining every one of these clauses. They are most important because they affect the liberty of the subjects. Then only we should give any approval whatsoever to this measure. If the hon. Home Minister feels that this is the proper procedure to follow then, of course, I would welcome it. But since already my hon. friend, the Minister of State has committed himself by saying that this measure is most satisfactory, I have very few hopes of their reconsidering their position on this matter.

14.58 hrs.

Mr. Deputy-Speaker: Shri Gaikwad.

Shri B. K. Gaikwad: Sir, on behalf of my party, Shri Katti will speak.

Shri D. A. Katti (Chikodi): Mr. Deputy-Speaker, Sir, I rise to oppose this Bill which seeks to continue the Preventive Detention Act. In the year 1950 when this measure was first introduced it was intended to be for one year only. But during the last ten years nearly four or five times it has been extended and this Bill has now been brought forward to extend it again for three years.

The hon. Home Minister has argued to justify this measure, but his arguments are not convincing at all. In view of the situation that is existing today I think this measure is not at all necessary. The temporary character of this measure shows that such a measure should be brought into being only when circumstances exist where the security of the State or public order is threatened. From the working of the Preventive Detention Act during the period of 1st December, 1959 to 30th September, 1960, we can very well come to know that the situation which was existing when this measure was introduced does not exist today. During the last three years only 569 people have been detained

[Shri D. A. Katti]

and that too not under section 3(1)(a)(i) but for goondaism, dacoity, smuggling etc. It shows that the situation today does not warrant this measure at all. It shows that the people are most sober and not more revolutionary. People are tolerant even in spite of their bitter opposition to Congress rule in the country. They have not done anything which shows that the situation does not warrant it.

15 hrs.

Secondly, this very report submitted by the Government, Statistical Information regarding the working of the Preventive Detention Act, says that during these 9 months, ending 30th September, 1960, about 153 people were detained, not under section 3(1)(a)(1), but mostly for goondaism, for dacoity, smuggling, etc. I want to know from the hon. Minister whether there are only 153 goondas in the country out of 40 crores. There are definitely more goondas hundreds and thousands. In what way are we dealing with these goondas? Of course, we have got the ordinary penal law. Under that law, the rest of the goondas are dealt with. If at all you want to deal with goondas, why have this special measure at all? There is no meaning in that.

An Hon. Member: For special goondas.

Shri D. A. Katti: Liberty of the individual is most important. We want democracy to enjoy liberty. The Constitution has guaranteed it. This measure unduly interferes with civil liberties. Under the penal law, we have accepted one principle that even if ten offenders go unpunished, one innocent man should not be punished. Here, we are just doing the contrary. We are prepared to punish 10 innocent people just to see that one offender does not escape. One principle we follow there and another principle we follow here.

My hon. friends on this side said that this Preventive Detention Act has been misused, and the High Courts have held in certain cases that detention was malafide. This Act gives a most arbitrary power. When I see these things, I am not surprised at all, because, this measure is meant for misuse. The purpose of this measure is misuse. Even in respect of laws where there is good intention, they are not properly enforced, in certain cases. In my district, there is the prohibition law. One innocent man who had not taken illicit liquor was caught by his hands by two constables —they were in the main street of the town of Chikodi—and he was being dragged in the midst of a big crowd of people. I asked why he was being dragged. They said that he was drunk. He said that he had not taken any illicit liquor. He was shouting mercilessly and the spectators were helpless. Illicit liquor is such a thing that we can smell it from a distance even. In my place liquor is called by the name morarji. They do not say illicit liquor, they say morarji. Because Morarji had enforced this law. He was innocent. Others smelt his mouth and we found that he had not drunk. The constables ran away from that place. This is how the law is being enforced, a law which has got good intention. Here, the intention is misuse. I say this is meant for misuse because there are reasons for that.

The hon. Home Minister, Shri Datar....

An Hon. Member: Don't promote him.

Mr. Deputy-Speaker: Order, order.

Shri D. A. Katti: ....is my guru and I have got some respect for him. In spite of that, I would like to ask him one thing. He said in his speech that to deal with unruly elements and lawless elements, this measure is necessary. His report shows that in most of the cases, only on the ground of goondaism the people were detained. Amongst all these detenus there

is not even a single congressman. May I take it for granted that congressmen are not at all goondas? Are they all saints? Are they all real honest disciples of Mahatma Gandhi?

An Hon. Member: And Gautama Buddha.

Shri D. A. Katti: If you want to detain a person on the ground of goondaism, innumerable congressmen ought to have been detained. Very recently, in my district, there were local board elections. A congressman comes and speaks from the platform, that the Congress is fire and those who criticise the Congress, it will burn them and reduce them to ashes. Can there be any bigger goonda than this? Why has he not been detained?

This measure is meant for misuse, for the purpose of suppressing political opponents. They want to suppress most deliberately political opponent in the country. We want to have parliamentary democracy. We want to make it a success. For that purpose, we must have a healthy and powerful opposition which, unfortunately, we are not having. The Congress party should also come forward to help the growth of such a powerful opposition. Instead of doing that, the Congress party is suppressing the growth of the opposition parties.

I would like to ask another question whether goondaism is more dangerous to democracy or this want of powerful opposition is more dangerout to democracy. Which is more dangerous? Definitely want of powerful opposition is more dangerous. Because there is no powerful opposition, you are having this absolute power. Your rule is mis-rule. That is why people are suffering. I would like to say that the Congress party is trying to retain power by bogus votes, by preventing voters from voting, by all means, whether fair, foul, rational, irrational, fair, unfair; all the means they are adopting. Somehow they want to retain power. This measure is also one of such means. If at all you want to retain power, don't speak of democracy and parliamentary democracy. Do away with the Constitution. Dissolve this Parliament. Make Jawaharlal Nehru your dictator....

Mr. Deputy-Speaker: His turn is up. Lala Achint Ram.

Shri D. A. Katti: I oppose this black Law.

लाला अचित राम (पटियाला) : माननीय उपाध्यक्ष जी, यह बात सच है कि प्रिवेंटिव डिटेंशन एक्ट से गवर्नमेंट ऐसी ताकतें ले रही है, जो कि आम तौर पर उसके पास नहीं होनी चाहियें। जब सरदार पटेल ने यह मेज़र पेश किया था, तो बजा तौर पर बहुत दुःख का इज़हार किया था।

श्री ब्रजराज सिंह : इन्होंने तो कल बिल्कुल दुःख का इज़हार नहीं किया।

लाला अचित राम : माननीय सदस्य कहते हैं कि इन्होंने बिल्कुल दुःख का इज़हार नहीं किया, लेकिन मैं कहूंगा कि अगर वह १९५७ की पन्त जी की तकरीर को देखें, जो कि उन्होंने यह बिल पेश करते हुए की थी, तो वे मुतास्सर हुये बगैर नहीं रहेंगे। इस सिलसिले में उन के दिल में भी वही जज़बात हैं, जो कि माननीय सदस्यों के दिलों में हैं। जिन लोगों ने सारी उम्र आज़ादी की लड़ाई लड़ी, उन के बारे में यह कहना कि उन को आज़ादी का कोई फ़िक्र नहीं है, मेरे ख्याल में उन के साथ बेइन्साफ़ी है।

श्री ब्रजराज सिंह : मैं श्री दातार की बात कह रहा था।

लाला अचित राम : दातार साहब पन्त जी के डिप्टी मिनिस्टर हैं। वह उनके बिहाफ़ पर इस बिल को पेश कर रहे हैं। मैं यह अर्ज करना चाहता हूं कि माननीय

[लाला अचित राम]

सदस्य और खास तौर पर श्री अशोक मेहता, जो कल इस पर बोले थे, दातार साहब, पन्त जी और सरदार पटेल के जज़बात को देखें । वे गवर्नमेंट को ऐसे ही एक्यूज़ न करें । सवाल यह है कि जब उन को गवर्नमेंट में होने का मौका मिलेगा, तो वे क्या करेंगे । कल उन्होंने कहा कि सौ, सवा सौ आदमी इस के मातहत पकड़े गए हैं और हम को एक एक आदमी की आज़ादी, लिबर्टी, का फ़िक्र है । मैं यह दरख्वास्त करूंगा कि वे इस मामले को ज़रा वैलैंस्ड व्यू से देखें । अगर पंद्रह हज़ार आदमी पकड़ें, तो बुरा है, दस हज़ार पकड़ें, तो भी बुरा है, नौ हज़ार पकड़े गए, तो भी बुरा है और अगर सौ आदमी पकड़े , तो भी बुरा है । मैं अर्ज करना चाहता हूं कि जहां गवर्नमेंट ने ठीक काम नहीं किया है, वहां उस को डिस्क्रेडिट दीजिए , लेकिन अगर उसने कुछ अच्छा काम किया है, तो उस को क्रेडिट देना चाहिये । इस में क्रेडिट की बात यह है कि दस हज़ार से सिर्फ़ सौ आदमी ऐसे रह गए हैं, जिन को इस कानून के मातहत पकड़ा गया है । एक सूरत यह भी आ सकती है कि कोई भी न पकड़ा जाये । जैसा कि मैंने अभी कहा है कि हम को इस बारे में एक वैलैंस्ड व्यू लेना चाहिए । दस हज़ार से सौ रह गए, यह एक अच्छी बात है । हां, यह सावल किया जा सकता है कि सौ भी क्यों रहें । **दिस आई कैन अंडरस्टैंड** । इसके सिवा मेरा चार्ज ज़रा और हैं । मेरा चार्ज यह है कि गवर्नमेंट ने रेस्ट्रेंट के बजाय ओवर -रेस्ट्रेंट बरता है । मुस्लिम लीग जब पैदा हुई तो यह एक छोटा सा बच्चा था । यह छोटा सा बच्चा था केरल में भी । आज आप देखें कि बारह बरस के बाद जमायते-इस्लाम का अभी एक जल्सा हुआ है —

श्री प्र० ना० सिंह : केरल में भी मुस्लिम लीग के साथ कांग्रेस ने दोस्ती कर ली थी ।

लाला अचित राम : मैं उसके भी खिलाफ़ हूं ।

मैं कह रहा था कि अभी जल्सा हुआ है जिसमें जहरीली तकरीरें की गई । हज़ारों लोग इकट्ठे हुये । मुझे पता नहीं इस पावर का इस्तेमाल करना उनके खिलाफ़ जायज़ था या नाजायज़, लेकिन आप इस पर गौर कर सकते थे । अगर आप समझते कि जायज़ था तो आप इन पावर्स का इस्तेमाल भी कर सकते थे । आग जब लग चुकेगी तो सिचुएशन आपके बस में नहीं रहेगी । इस वास्ते वक्त पर कार्रवाई करना ही अच्छा होता है । मैं नहीं चाहतका कि आप दबाव में आ कर इन पावर्स को इस्तेमाल करें और न ही आप खुशामद में आयें । जो जस्ट चीज है, उसको आप करें । आप खुद ख्याल करें कि मुल्क में कैसी कम्युनल फीलिंग्ज हैं और देश की राजधानी दिल्ली में ये क्या शक्ल अख्तियार कर गई है । मेरा खयाल है कि गवर्नमेंट बजाय रेस्ट्रेंट के ओवर-रेस्ट्रेंट कर गई है, बजाय काशस होने के ओवर-काशस रही है ।

मैं समझता हूं कि अगर आप नामंली बिहेव करते तो असम में जो कुछ हुआ न हुआ होता । असम में दस हजार घर जला दिये गये । आप कह सकते हैं कोई बात नहीं, उनको हम ठीक कर लेंगे, लेकिन ऐसा एटीट्यूड अख्तियार करना ठीक नहीं है । वक्त पर आपने सिचुएशन को कंट्रोल नहीं किया और उसका नतीजा देश को भुगतना पड़ा और दस हजार घर जल गए । इतना नुक्सान उठाने के बाद आप ने सिचुएशन को कंट्रोल किया तो क्या किया । तो मैं कहूंगा कि you are suffering from over-restraint and over-conscientiousness.

अभी कुछ अर्सा हुआ स्ट्राइक हुई थी। मैं नहीं मानता कि जो स्ट्राइक हुई उसके अन्दर सिचुएशन कंट्रोल नहीं हो सकती थी, उससे पहले ही उसको कंट्रोल किया जा सकता था। लेकिन आपके अन्दर ओवर-कान्फिडेंस था। आप समझते थे कि ये हमारे एम्पलायीज हैं, इनको हम ठीक कर लेंगे, इनको हम पे दे देंगे। आपने गवर्नमेंट चलानी है, बाहर वाली दूसरी पार्टियों ने नहीं चलानी है, जिम्मेदारी आप पर है, मुल्क को ठीक हालत में रखने की जिम्मेदारी आपकी है, इसलिये आप इसमें इंटरेस्टिड हैं कि किस काम को कैसे करना है। लेकिन इंटरेस्टिड होते हुये भी, आप ओवर-कान्फिडेंस में आ गए। आपने कहा पे कर देंगे और आपने पे कमिशन की रिकोमेंडेशन्स पर अमल नहीं किया। अमल क्यों नहीं किया और क्यों देरी की, यह सवाल उठता है। तो मेरा आपके खिलाफ यह चार्ज है कि आप रेस्ट्रेंट ही नहीं रख रहे, ओवर-रेस्ट्रेंट रख रहे हैं। आप जो पावर लेने जा रहे हैं, अम्बल तो उसका इस्तेमाल ही न करें, लेकिन अगर इसको इस्तेमाल करने की जरूरत महसूस हो तो आप झिझके नहीं। अगर झिझकेंगे तो नुक्सान होगा। मैं कहना चाहता हूं कि आज यहां पर ही ऐसी तकरीरें होती हैं, कम्युनल वायरस फैलाया जाता है कम्युनल पायजन फैलाया जाता है कि आप कुछ करते ही नहीं हैं। वक्त पर आप करेंगे तब काम होगा वर्ना नहीं।

अशोक मेहता साहब ने कहा कि मास्टर तारासिंह की ताकत को गवर्नमेंट जानती नहीं थी। मैं समझता हूं कि उन्होंने यह बात जरा ठीक नहीं की। गवर्नमेंट अच्छी तरह से उनकी ताकत को जानती थी और उनके मुखालिफों की ताकत को भी जानती थी। गवर्नमेंट ने ऐसे मौके पर उनसे मुआहिदा किया और यह जानते हुये किया कि वहां एक कम्युनिटी पंजाब में है जिसको डिफाई नहीं करना चाहिये, लेकिन उसको डिफाई करके किया। मैं चाहता था कि उन्होंने यह कहा होता कि आपने मास्टर तारा सिंह से पूछ लिया है कि रिजनल फार्मूला कहां इम्प्लेमेंट नहीं हुआ है और इसका वह जवाब देते तो और बात थी। लेकिन यह बात नहीं है कि गवर्नमेंट उनकी ताकत को नहीं जानती थी।

आप जानते हैं कि दिल्ली में क्या हुआ। लोगों का चार्ज है कि यहां पर इंडिसक्रिमिनेटली गिरफ्तारियां की गई हैं। लेकिन-एक बात मैं कहना चाहता हूं। जिस तरह से माब ने पुलिस स्टेशन पर हमला किया और पत्थर फेंके उस वक्त जिस रेस्ट्रेंट से गवर्नमेंट ने काम लिया, वह छोटी बात नहीं थी। उन हालात में गोली चल जाना मामूली बात थी।

श्री प्र० ना० सिंह : रोज चलती है।

लाला अचित राम : मैं दूसरी बात कर रहा हूं। मैं कहना चाहता हूं कि जिस रेस्ट्रेंट से उस वक्त आपने काम लिया वह मामूली बात नहीं थी, तारीफ के काबिल बात थी। अगर आप गोली चला भी देते तो आप पूरी तरह से जस्टिफाइड होते लेकिन आपने ऐसा नहीं किया और इसके लिए आपकी तारीफ की जानी चाहिये। यह ऐसी मिसाल है जिस पर बाकी देश में भी अमल होगा।

आखिर में मैं इतना ही कहना चाहता हूं कि आप ओवर-कान्फिडेंस से सफर कर रहे हैं, ओवर-रेस्ट्रेंट से सफर कर रहे हैं। अगर आप इन दोनों से सफर न करते होते तो आपकी इतनी नुक्ताचीनी न होती और जिस तारीफ के आप मुस्तहिक हैं वह आप को मिल जाती। इस वास्ते मैं कहना चाहता हूं कि आप ओवर-कान्फिडेंस और ओवर-रेस्ट्रेंट से सफर न करें और न ही ओवर-डू कीजिये।

Shri Naushir Bharucha: The Bill before the House is an unparalleled piece of legislation which could only be justified in case of the gravest peril to our national existence. The Bill is nothing but the negation of democracy, negation of the rule of law, negation of civil liberties.

It has been pointed out that certain safeguards have been incorporated in the Bill, so that the detenu gets at least a fair hearing. It has been pointed out to us that within five days of his arrest, he has to be supplied with the grounds; within twelve days, the local Government has to confirm the order of arrest and the advisory board has to hear his case within 30 days. May I point out with due respect that all these safeguards are absolutely illusory?

In the first place, the advisory board cannot be given the facts if the police officer thinks fit. Secondly, the board cannot go into the truth or otherwise of the allegation. The detenu has absolutely no right to get all the facts. What is more, he cannot know the name of his accuser, much less cross-examine him. And still more surprising as it may seem perhaps the implications of this Act have not been properly understood—even the High Court has got no right to get at the truth of the allegation. The High Court is prevented and it is helpless. It has no right to find out whether a particular allegation made by a police officer is right or wrong. I should like to know what type of law this is which says that the High Court shall not enquire into the truth of allegation made against the accused. The nearest parallel that I can think of is the one which I learnt in the school days in a tex.book. *The Tale of Two Cities,* according to which in pre-revolutionary France, a nobleman had the right by means of *lettre* to confine a person in prison and forget about his existence. That is the nearest parallel we can find to this preventive detention.

It has been compared to the Rowlett Act. May I point out to you that the Rowlett Act was ten times better than this Act? Why? In the first place, the Rowlett Act was not applied to the whole of India. It provided that it could be applied only to declared areas where the Governor declared that the civil administration could not be carried on by reason of anarchical organisations working there. Secondly, the accused under the Rowlett Act got a trial. Three Judges tried him, may be without a jury, but three judges did try him. He had the right of cross-examining the prosecution witnesses. Nothing of the kind here.

I shall not take the time of the House, but I shall quote what had been said against the Rowlett Act by some of the most eminent Members present in the then Imperial Legislative Council. The hon. Vithalbhai Patel said:

> "I was, I might state, surprised that the Government have thought it proper to introduce the measure at this juncture. It is one of those blunders which a Government not responsible to the people is likely to commit in a moment of excitement."

Dr. Surendranath Banerjee said that the provisions constituted a peril to the sacred rights of personal liberty.

Shri Jinnah said:

> "To any man who believes in law and justice, these measures are abhorrent and shocking. It is the most fundamental principle of law and justice that no man should lose his liberty without a judicial trial and in accordance with the accepted rules or justice."

And then Pandit Madan Mohan Malaviya said:

> "This is a grave departure in principle from the rules which have been hitherto laid down for the trials of offences."

If this could be said of an Act which was much more reasonable than the Preventive Detention Act, I ask what

may be said of this particular measure in this House?

Here, may I point out one thing to the hon. Minister and to all those Members who have supported this black legislation? They said that there are goondas, and there are people who make administration and rule of law impossible, and Government cannot get on without the help of this Act. There are two answers to that. The first is that even in the gravest hour of national peril in the forties, when Britain stood alone against the might of Germany when France had fallen, and when there was the gravest danger to the security of the nation from the number of spies there, Britain did not promulgate any Preventive Detention Act. Not even in the gravest hour of national peril when it was fighting for its very existence, did Britain do that. Secondly, today, the whole of India spends nearly Rs. 150 crores on police administration. May I know whether Rs. 150 crores are spent over police administration in the whole of India so that you could enact this Preventive Detention Act and impair the civil liberties of the people? I feel, even though we may today feel helpless, posterity will one day judge that here was a Government which traded in the name of Mahatma Gandhi and which enacted a law which had been condemned in one breath by all those made the Indian National Congress great.

Dr. Vijaya Ananda (Visakhapatnam): I am the last in the batting order today, as we are adjourning the debate on this Bill at 3-30 p.m.

I want to ask why anybody should be frightened of a Bill of this kind, if he is a law-abiding citizen. That is my main argument. If I am a law-abiding citizen, I have no reason to fear anything. This Government is a popular Government consisting of the representatives of the people of India, and they would be the last people in the world to introduce any measure, unless it was really necessary.

Many things have occurred, since the days when we achieved our freedom. Even Sardar Patel who was known as the 'Iron Man of India' also had to go ahead with this Bill. Then came Rajaji, who, as you know, was very popular with everybody. He would have been the last man to go on with a Bill of this kind, but he also went the whole hog with it. Then, there is Pantji, who is our Home Minister, who fought for freedom, and who took most of the beatings on his back at the time of the Simon Commission; he had a terrific practice at the Bar, and he gave up everything for the sake of freedom. And would he introduce a Bill of this kind for the continuation of this Act, had it not been for the good of the country?

Of course, Members have been saying that there has been misuse of this Bill. I just cannot understand how it could have been so. I am not particular about mentioning the names of the hon. Members, but one particular Member said that his measure should have been here, only if there had been a war. Well, Sir, war is quite a different thing, but there is war going on underground today. That is how I feel. The activities of certain people in this country necessitate a law of this kind. There are underground activities going on. (*Interruptions*). I am at the wicket at the present moment, and I shall stick to my wicket, despite what any hon. Member might say. I say, Sir, that this measure is necessary for the safeguarding of India.

In recent days, and in recent months, there have been border incidents, incidents of a type which is unknown in the history of India, and yet we are trying to blink over them, and trying to forget what had happened.

What would have happened during the strike, had Government not had recourse to a measure of this nature.

15.25 hrs.

[SHRI MULCHAND DUBE *in the Chair*]

That strike was for the purpose of

[Dr. Vijaya Ananda]

paralysing this Government, and to make this Government useless, to overthrow this Government. So, a measure of this kind was absolutely necessary. I am not making any speech in an apologetic manner, but in a very definite way, I say that it is an absolute necessity.

Shri Braj Raj Singh: That is why it should be made permanent.

Dr. Vijaya Ananda: If there are people indulging in activities in which they ought not to, then Government will have to resort to such methods, for aught I know, but a popular Government would be the last Government to do anything of that kind, unless it was absolutely necessary. That is what I would like to say. And I ask that if you are a law-abiding citizen, and you respect the laws, why on earth you should be frightened of the laws? Why should you be frightened? Only if you do a bad act, you would be scared. If you are a just man and a law-abiding citizen, you would be a happy man going about as a free citizen of this country.

Shri Vittal Rao: For bad acts, the Criminal Procedure Code and the Indian Penal Code are there.

Dr. Vijaya Ananda: After all, this is not a new legislation. This has been in vogue for years and years on end. This Bill is only a continuation of the old Act, to safeguard India from possible destruction.

Let me put it to you in my own way. Supposing there is news of somebody trying to bring down the Taj Mahal, would Government have to keep quiet on that? Would Government not take measures by which such an act could be prevented? (*Interruptions*).

Shri V. P. Nayar: In Agra, there is a better place for such people.

Dr. Vijaya Ananda: I am only giving an illustration. Supposing today, Government hears of somebody planning to destroy the Bhakra-Nangal dam or some of the big dams, are Government to keep quiet? Are they not to take some action to prevent such a thing being done? That is what I have to submit. This Act is for the purpose of safeguarding the country. No one need have any fears, as long as he is a well-behaved man.

In saying this, I would like to give you just a small quotation of what Home Minister Rajaji said at one time, when sponsoring a similar Bill. This is what he said:

> "The measure I am asking the House to continue, is certainly an infringement of what may be called a normal principle of criminal justice. Who can be happy when introducing a measure for placing people under detention without going through the formalities of a legal trial? It is a confession of abnormalcy. But the Government cannot be conducted on an unreal basis. The Government's responsibility to the nation demands admission of unpleasant truth as well as maintenance of ideals to the best of our ability. I would like to ask Members the straight question: Have you any doubt in your mind as to the need for the measure? Are you prepared to advise the Government to rest content with the ordinary law and give up any investigation? Are you prepared to say: 'Let Communists and other conspirators do what they like; wait till the offence is committed and prosecute when and if you get the evidence?'."

Maintaining that it is impossible to take any such risks, Shri Rajagopalachari said:

> "We have to act sternly and weed out mischievous and violent elements ruthlessly.".

Shri V. P. Nayar: Since then, Rajaji has been clean-bowled.

Dr. Vijaya Ananda: This was said by the man who was once called he conscience-keeper of Mahatma Gandhi.

Shri P. N. Singh: Now, Rajaji has changed that opinion.

Dr. Vijaya Ananda: Not so far as this is concerned. These words are in the book, and they can be read by any hon. Member if he so desires.

As my innings have come to an end, and it is now half past three of the clock, I would conclude now. I thank you very much for giving me this opportunity. I would once again say that there is no need for anybody to be frightened as long as he is a good citizen of this country.

15.30 hrs.

COMMITTEE ON MEMBERS' BILLS AND RESOLUTIONS

SEVENTY-THIRD REPORT

Shri Jhulan Sinha (Siwan): I beg to move:

> "That this House agrees with the Seventy-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 30th November, 1960."

Mr. Chairman: The question is:

> "That this House agrees with the Seventy-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 30th November, 1960".

The motion was adopted.

RESOLUTION RE: NATIONALISATION OF GENERAL INSURANCE —*contd.*

Mr. Chairman: The House will now resume further discussion of the following Resolution moved by Shri T. B. Vittal Rao on the 18th November 1960:—

> "This House is of opinion that General Insurance should be nationalised".

Out of 2 hours allotted for discussion of the Resolution, only one minute has been taken. Shri T. B. Vittal Rao may continue his speech.

Shri T. B. Vittal Rao (Khammam): I moved my Resolution for the nationalisation of general insurance encouraged by the remarkable progress made by the Life Insurance Corporation. Secondly, in our economy, industrialisation is going on and there is need to improve the general insurance business not only with regard to industries and other things but also with regard to crop and cattle insurance. Now, general insurance covers only fire, marine and miscellaneous. Thirdly, the revealing facts that have been disclosed as a result of inquiries into the working of the New Asiatic Insurance Company and the Ruby General Insurance Company that are going on, are another factor.

Shri P. R. Patel (Mehsana): These are credit institutions, and the naming of those institutions will rather have some adverse effects in foreign countries where we get business. We get business of about Rs. 12 crores every year from foreign countries.

Mr. Chairman: He need not refer to the names.

Shri Tyagi (Dehra Dun): Arguments can be advanced without mentioning the exact names of any firms. After all, this business is very sensitive.

Shri Sadhan Gupta (Calcutta-East): It was stated in the Rajya Sabha.

Mr. Chairman: We need not go by what has happened there.

Shri T. B. Vittal Rao: For the information of the House, I may quote the reply given by the hon. Deputy

[Shri T. B. Vittal Rao]

Minister of Finance, Shrimati Tarkeshwari Sinha to a question in this House, on the 17th August asked by my colleague, Shri H. N. Mukerjee, with regard to the inquiry recently conducted into the affairs of the New Asiatic Insurance Company and the Ruby General Insurance Company. I shall quote the question:

"(a) Whether an inquiry had recently been conducted into alleged irregularities in the affairs of the New Asiatic and Ruby General Insurance Companies;

"(b) if so, what were its findings; and

"(c) what steps have been taken in regard to this matter?"

The hon. Minister replied:

"A statement is laid on the Table of the House".

Mr. Chairman: Even so, it would be better to keep out names.

Shri T. B. Vittal Rao: These are very relevant.

Shri V. P. Nayar (Quilon): The whole discussion is dealing with them.

Shri P. R. Patel: We may discuss the matter of irregularities, but the naming of individual concerns would have adverse effects on their credit.

Shri V. P. Nayar: The hon. Member is not new to the House; he is only new to the Party.

Shri C. R. Pattabhi Raman (Kumbakonam): Naming of credit institutions in this context may do them incalculable harm.

Shri Prabhat Kar (Hooghly): The inquiry is going on. What is the harm in doing it?

Shri T. B. Vittal Rao: I would not have referred to this had it not been for the reply that has been given by the Minister. I am very much encouraged because a few questions in this House elicited such a comprehensive reply as the one which was given by the Deputy Minister. I would crave the indulgence of hon. Members while I read out from the statement laid on the Table.

"The investigation by auditors into the allegations of malpractices and manipulations against this Company" has been completed and a Report submitted to the Government. The Report is at present under examination and, as such, action which Government may take will have to wait till "the examination is completed".

This is with regard to the Ruby General Insurance Company. Hon. Members who have objected to my statement would have done well if they had protested at that stage when the reply was given by the hon Minister. Then with regard to the New Asiatic Insurance Company, this is the reply:

"(a) The investigation by auditors into the allegations of malpractices and manipulations against this Company has been completed and a Report submitted to the Government.

"(b) The nature of the findings, as contained in the auditors' report, is indicated below:—

(i) misappropriation of funds by (a) showing false payments of claims or commission; (b) showing lump sum withdrawals of money as expenses of management without indicating proper details; (c) making false entries in books;

(ii) large suppression of losses by making false entries in the books which were reversed in convenient instalments in subsequent years;

It also deals with falsification of accounts, falsification of returns and so

on—I am not reading the whole of it. Then it says:

> "A formal communication was sent to the Company informing it of the findings of the auditors and giving it an opportunity to explain. The Report was thereafter examined in the light of the explanation received from the Company in consultation with the Ministry of Law and it is felt that further investigation would be necessary to locate responsibility for the acts which the auditors considered wrong. It was, therefore, decided to appoint two directors on the board of directors of the company under the powers vested in the Government by section 48C of the Insurance Act."

Then the names of the two directors are given. Since then the Company has closed down. I am very very happy that such a comprehensive reply was given, because in this House when questions of this nature are tabled, generally the answers are rather evasive. So hon. Members who have objected to my naming the companies would now realise that it was an afterthought.

Shri V. P. Nayar: They will never realise their mistakes.

Shri C. R. Pattabhi Raman: It is not as if there is a public inquiry going on. What I am saying is that there is a report. We can certainly make comments on that. I am just warning him that there should be a sense of fairplay shown in this matter. I am not interested in anything.

Shri V. P. Nayar: Does he mean comments minus the companies?

Shri T. B. Vittal Rao: The last reason why I have moved this Resolution is that we want to break up the monopoly which some of the companies in general insurance enjoy. These companies are in the hands of a few industrial houses or industrial magnates like the House of Tatas, the House of Birlas and so forth.

It would appear from the *Indian Insurance Year Book*—I have collected some facts—that there are 177 companies working as of 1st December 1959. Out of these, there are 90 Indian and 87 non-Indian companies. The total assets of the Indian insurers as of 31st December 1959 is Rs. 52 crores and that of foreign companies, Rs. 11 crores. The subscribed and paid-up capital of these Indian companies stood at Rs. 25 crores and reserves at Rs. 26 crores. The total profits for the year 1958 were Rs. 2 crores. It may be noted that our Indian insurers have increased their business. Some years ago, it was the total monopoly of foreign concerns. Even so, in 1959, the percentage of Indian insurers is only 64·3 as against 35·7 or so of non-Indian insurers.

After nationalisation, some companies have been taken over. They did not do their business. They gave it up to LIC, and a little later some of the companies closed down. There has been a reduction in the number of companies because the big monopolies do not allow the small companies to come up. Therefore, some small companies have closed down. Some of the big companies have closed down on account of their mismanagement and so forth.

It may well be argued by some here that there is a code of conduct agreed to in this business. I understand there is a code of conduct and this code has been revised so many times. But I will only refer to one of the comments made by the Chairman of one of these companies. Shri M. A. Muthiah Chettiar, Chairman of the United India Co., told the annual general meeting in 1959:

> "This Code, with its revision from time to time, has been in operation for some years. But everyone concedes that it has not succeeded in achieving the object for which it was framed. The unhealthy practices still persist though under a different garb. It would indeed be a great pity if

[Shri T. B. Vittal Rao]

large sums of money which companies are called upon to pay year after year have made the administrative costs of the Code should go in vain".

I do not want to add any further observations of mine because the remarks of one of the Chairman of the companies itself goes to show that the Code is observed in its breach.

Suppose a cargo has to be shipped. The cargo cannot be shipped unless and until it is insured. There are the shipping agents who say that unless and until the cargo is insured with such and such a company they would not take it. There is no choice left for the person who wants to send the cargo. This is one thing. There are so many other ways by which this under-cutting and unhealthy competition goes on in this field.

I would briefly refer to the dividends paid in this business. I am making a specific reference to this because when this resolution was debated in the Rajya Sabha it was stated that this business is not a very paying proposition and that it does not give fair returns or good profits. I will only state the dividends that have been paid by who companies for the years 1956, 1957 and 1958. The dividend paid by British India General Insurance in 1956 was 11½ per cent; by Concord 20 per cent; in 1957, General Insurance, 11½ per cent; concord 20 per cent; in 1958, General Insurance 12½ and Concord 20 per cent. These are some of the figures which indicate the profits that are being made by these companies.

In the same debate it was said, how can we enter into this field without proper technical personnel, that is personnel, who would be able to go and inspect the packages, go to the ships and inspect the packages and report about the extent of damage that has to be paid or the claims that have to be paid. They should have some nautical training and all that. I am amazed at this. Today we have entered so many fields. I can tell you today that in the industrial field productivity has increased to such an extent that with these low wages they are able to compete with Europeans. It is so in the Integral Coach Factory, Perambur; it is so with the Hindustan Machine Tools. Can we say that we cannot have trained personnel? I would say that in order to train our people at least we should enter this field. If they are not trained, in the initial stages there may be difficulty. There may be some loss incurred. But we should enter into this field. It is not that we have absolutely no trained personnel. These companies are already in the field and they have the trained personnel.

Then I will come to the question of the extension of this business. Before nationalisation, Life Insurance companies had not gone to the villages at all. Today we know that they want to do more in the rural areas and benefit those people. We hear of some *Janata* policies being issued So also, I am confident that if general insurance is taken over by Government, we will be able to enter into fields to which we have not devoted any attention before. Therefore, in order to improve, it is essential that we should enter this field.

Then, about compensation. Of course, one of my colleagues has given notice of an amendment that there should be no compensation paid. But, here we are working under a Constitution in which compensation is assured. The assets of the Indian companies are about Rs. 52 crores and of the foreign companies are about Rs. 15 to Rs. 16 crores. Dominant among the foreign companies are those registered in the United Kingdom. Therefore, with our Commonwealth association, it would not be a very difficult to phase the payment of compensation over a number of years. To those companies in India we can just phase the compensation over a period of years so that it cannot be a burden

immediately on the Exchequer of our country. We will be going on making profits and from those profits we may easily pay them.

Some of the amendments which have been given notice are very interesting, especially the one given notice of by Shri P. R. Patel, who demands that there shall not be nationalisation for 25 years.

Shri V. P. Nayar: New enthusiasm.

Shri T. B. Vittal Rao: I hope Government is committed to periods of five years and not for a number of years like 25 years. That is another way of telling that there shall be no nationalisation at all.

Shri Braj Raj Singh (Firozabad): He is a new convert.

Shri T. B. Vittal Rao: He has got some experience of some shipping companies as a Member of the National Shipping Board which has got some links with these insurance companies. Therefore, he has enough experience. But, I am sorry that that amendment only amounts to saying that there shall not be any nationalisation of general insurance.

Then, there is another amendment given notice of by Shri S. M. Banerjee. I am not agreeable to that. But, I would like the amendment of my congress colleague Shri M. C. Jain. That is a very acceptable amendment, in which he says that these companies should be taken over by the LIC.

Shri V. P. Nayar: He is an old Congressman.

Shri T. B. Vittal Rao: Then, it may be argued that the profits are so low; why should we take over this business? After all, the Exchequer would be benefited after this nationalisation only to the tune of a few crores of rupees, say, Rs. 2·07 crores. But there are various other commissions. If you add them all, it comes to about Rs. 6 crores; it would mean nearly Rs. 30 crores for the whole of the Plan period.

They may say the amount is meagre. But we hear in our House every day about the foreign exchange difficulties; for want of one crore of rupees, some projects are not taken up or postponed for years together. Only yesterday we were told that we were not able to take up the construction of a dry dock at Visakhapatnam for want of foreign exchange of Rs. 1·2 crores. We are at the same time prepared to pay nearly one crore of rupees every year for dry docking at Singapore. So, even the little which we get by foreign exchange would be beneficial to our country. With these words, Sir, I commend my Resolution to the House.

Mr. Chairman: Resolution moved:

> "This House is of opinion that General Insurance should be nationalised."

There are some amendments.

Shri Sinhasan Singh (Gorakhpur): I have an amendment.

Mr. Chairman: That seems to be out of order for the simple reason that the substance is the same as in the original motion.

Shri P. R. Patel: I move my amendment.

Mr. Chairman: It is only negative amendment.

Shri P. R. Patel: It is not negative; it says that the Government should not do it for 25 years when they will have the experience. It is not negating the idea of nationalisation.

Mr. Chairman: I am of the opinion that it is out of order.

Shri Tridib Kumar Chaudhuri (Berhampore): Sir, I beg to move:

In the resolution—

add at the end—

"and a General Insurance Corporation of India be started immediately under full Government ownership to take over privately owned General Insurance business with the same pattern of organisation as the Life Insurance Corporation of India under the overall control and supervision of the Union Finance Ministry". (3)

Mr. Chairman: So, this amendment and the original Resolution are before the House.

Shri Sadhan Gupta (Calcutta—East): Mr. Chairman, I rise to support the Resolution that has just been move by Shri Vittal Rao because it is, in my view, the only logical course from all points of view. It is logical in the interest of the industry itself; it is logical from the point of view of the people of this country and it is logical from the point of view of the employees employed in the general insurance concerns themselves.

The conditions in the general insurance industry are by no means hard. There has been a phenomenal growth of business. In 1928, in the years for which we have the earliest statistics, the gross premium income in general insurance was only Rs. 41 lakhs. Today, or rather thirty years after that, in 1958, it was Rs. 29.66,37,000. In future, even brighter prospects are in the offing. We have already put into commission two five year Plans and there are other Plans in the offing which assure a big industrial jump forward which will give a fillip to general insurance business. An organised produce marketing is developing and that brings in considerable scope for expansion of general insurance. We are developing communications and in the wake of communications necessarily trade and commerce expand and the markets expand and the scope for general insurance expands. Further prosperity is assued.

But the paradox of the situation is that we are witnessing closures of general insurance concerns in an alarming manner. I believe since the nationalisation of life insurace about 38 general insurance concerns have closed down either completely or partially. During the last one year or so, two big companies have closed down. The Standard Assurance closed all its branches and has kept only its head office open. The New Asiatic Insurance—a Birla concern—has closed down insurance business completely. Why this paradox and why this crisis amidst prosperity? The reasons are principally three: malpractices, the impact of nationalisation of life insurance and concentration of business that is more and more taking place in the industry.

The general insurance business in our country, as was the case with the erstwhile life insurance business festers with malpractices of a baffling number of varieties. The malpractices stem either from the necessity to hold on in the face of bitter and cut throat competition from concerns with concentrated business or, more often, from the very laudable motive of making surreptitious gains for the people in the management of these concerns or of allied concerns at the instance of the insurance company. Of the first kind are the illegal rebates on premium to big customers or sometimes to allied concerns. The rebate usually goes to the pocket of some one in the management of the customer concern. Also illegal payments of extra commissions, to agents for procuring business account for this. Of the second kind are misappropriations by the management of the insurance concerns through speculation in shares on the very sensible basis that if there is a gain on the shares the person in the

management who speculate gets the gain and if there is a loss it is shifted on to the insurance company or, at the most, the loan is returned. Either the loss accrues to the insurance company or at any rate no gain ever accrues through the utilisation of their funds. Naturally these transactions cannot be shown in the account books as they have actually taken place. In philosophy, you are aware of the doctrine of mire—things are not what they seem and this very philosophical doctrine has been freely applied to insurance on a very large scale.

Shri V. P. Nayar: It is *maha maya*.

16 hrs.

Shri Sadhan Gupta: I quite agree, as Shri V. P. Nayar says it is *maha maya*. If you find entries under the head of expenditure such as salaries and allowances or travelling expenses or loans or agent's balances or outstanding premium, you will be very much mistaken to assume that they really represent those heads of expenses. If you make that assumption, you will be as much mistaken as you would be if you assume that the world is a reality in the Vedantic philosophy. A large proportion of those entires would represent, perhaps, illegal commission or illegal rebates or, perhaps, misappropriations and amounts appropriated to share speculation on account of some one in the management. Shri Vittal Rao has already pointed out the affairs that have come before the House in respect of the New Asiatic Company. Auditors had to be appointed and investigations had to be made about this New Asiatic Company. In respect of other companies also investigations have been proceeding. In order to check all these malpractices there has been evolved, what has been pompously called, a code of conduct. That was evolved with considerable fanfare and it was paraded that that might be a cure for all ills. But, as Shri Vittal Rao has pointed out, Shri Chettiar has stated that the code of conduct has been useless and the money spent on the administration of this code of conduct has been a waste. Shri Tulsidas Kilachand, the Chairman of the New Great Insurance Company also has stated that the code of conduct has not served its purpose. As regards composite insurance companies, many insurance companies depended on the life business for supporting their general business. Life business was more profitable and therefore they used it to support their general business. With the nationalisation of life business they find themselves in a quandary. The Globe Insurance Company was directed by the Supreme Court to refund the loan taken from the life fund and as a result of that it has been forced to close down. This is the state of most of the composite insurance companies which were doing life business.

Then comes the question of concentration of business. This concentration is tending to become appalling. The latest known position, according to the figures, is that the first ten companies command a net premium income of 65 per cent of which New India alone command 30·1 per cent. The last 50 companies command only 4 per cent and the last 20 among them command only 0·4 per cent. As regards free capital and reserves the first ten command 50 per cent out of which New India alone command 32·8 per cent, the last 50 command only 10 per cent and the figures for the last 20 among them are not available to me. Is there any wonder that smaller companies find it difficult to continue in such a state? It will be ostrichism to suppose that anything can eliminate these malpractices anl this concentration of wealth except nationalisation of the general insurance companies. The experience of life insurance in the private sector has completely proved that malpractices cannot be eliminated however hard you might try, however much you might legislate, however meticulously you might check up the affairs of a company.

[Shri Sadhan Gupta]

About employees, Sir, the only way to save them is also by way of nationalisation. Already after nationalisation of life insurance about a thousand employees have been retrenched, who make up about 10 per cent. of the whole employee force in the general insurance business. That is a serious matter. If nothing is done soon many more will be on the streets.

If general insurance business is nationalised, on the other hand, there is a great possibility of expansion later and as a result of that all employees and many more can be provided for. From the people's point of view the benefits will be enormous. Apart from creating a healthy industry in the general insurance sector, which cannot be created as long as it is in the private sector, there is a great scope for expansion, taking up new ventures, saving foreign exchange and economy. Incidentally, there will also be prevention of some tax evasion.

In spite of what has been paraded from some quarters, from some sections of this House about the boon of free enterprise, the experience of the general insurance sector is that, apart from the very ethical practices developed by free enterprise, free enterprise has revealed a singular reluctance to venture into new fields. Except for fire and marine insurance, the rest is accident insurance and most of the accident insurance business is confined to automobile insurance.

In an agricultural country, lifestock insurance is essential. For instance, our farmers have got cattle. There are many contingencies in which their cattle may die. Then they will be left without their livelihood. So cattle insurance would be a great boon to our farmers. But nothing is done by way of cattle insurance by our companies. The only lifestock insurance in which they engage is the insurance of race horses. Again, in an agricultural country, crop insurance is absolutely essential. It is highly beneficial. It is also eminetly desirable. But no company will venture into this field. I do not blame them. These are risky insurance and a company which will venture into these fields has to have very large resources. The largest of our Indian companies is only a pigmy company in comparison with companies elsewhere in the world. Therefore, they cannot be expected to venture into these kinds of insurance. But then, that is not the last word. We need that kind of insurance. Therefore, we have to provide for it, and the only way to provide for it, the only way to confer this benefit on the people is to nationalise general insurance, for a public corporation to take it up and to provide this kind of insurance through its very much larger resources.

The experience of life insurance business gives much encouragement in this field. With all these years of life insurance which the private sector had developed and about which they used to exhibit a very great pride, nothing was done by way of insuring in the rural areas, nothing was done by way of insuring industrial workers. But when the Corporation took it up janata policies have been instituted, rural insurance has been undertaken in some ways. We do hope that gradually this will extend and it will confer a very great benefit on our people. Surely, Sir, if general insurance is nationalised, the insurance against risks which need to be insured and which is beyond the capacity of the private sector to insure can be assured and in that way a great benefit will accrue to our country.

Now, Sir, the profits which will be available will be very useful for long-term financing of industries. Because, in the case of life insurance, you cannot risk the life funds in long term financing. But in the case of general insurance, as soon as the year is over, the risk expires and you can

invest the profit for long term financing of industries. By a judicious utilisation of the large premium income that must necessarily come to a nationalised general insurance concern,—and the premium income will grow larger and ever larger year by year—both the public sector and the private sector industries can benefit and that is another argument for nationalisation of general insurance.

The scope for economy is enormous, and so is the scope for saving foreign exchange. In these desperate days, we are short of foreign exchange and we certainly need to explore every avenue for saving foreign exchange. As regards economy, the procuration expenses are ruinious. The expense ratio allowed to medium size companies is 40 per cent out of which 30 per cent is spent on procuration. What can you expect these companies to do by way of paying suitable salaries to the employees or by way of other businesslike ventures? A large proportion of these procuration expenses also is wasted on rebates and illegal commission. Nationalisation will avoid all this. It will eliminate illegal commissions and it will elminate rebates and thereby get more money and also, if will be able to reduce the procuration expenses to a large degree. This is amply demonstrated by the fact that the expense ratio of the Life Insurance Corporation's subsidiaries is rapidly going down, while this is not the case with the private sector in general insurance.

Regarding marine insurance, due to outside competition, the rates of marine insurance are too low here. They are uneconomical and almost every company undertaking marine insurance is suffering loss. The marine insurance department is only supported by high fire rates. A nationalised general insurance scheme can do much to eliminate uneconomic competition and put both marine and fire insurance on a rational basis.

Then there is the huge drain of foreign exchange through reinsurance treaties. About Rs. 4 crores of foreign exchange are drained out of this country through reinsurance. It is a well-known fact that the larger the amount of business and the bigger the spread of business, you can attract more favourable treaty charges for reinsurance. It is a well-known fact that New India, due to its large business, receives full reciprocation for reinsurance premium ceded abroad. It receives more than it secedes. Smaller companies lose or reinsurance, and they are not in such a position as the big ones. A nationalised concern will be in a much better position than New India, because it will have a much greater spread of business and it will have a much larger volume of business than New India can ever aspire to have, and as a result, it will have more favourable treaty charges, and thereby it will not only save Rs. 4 crores but probably earn foreign exchange in the bargain.

Also, our vessels are now mostly insured in London, which is a drain on foreign exchange, and if we nationalise general insurance companies, we can, with our larger resoresources, insure our own fleet. This is very important aspect, because, as our plans go on, as one plan follows another, our maritime fleet is bound to increase.

Then there will be a saving in taxes. As I said, through rebates, many wrongful gains are made, and also through share speculations. The gains made through rebates are shown in false accounts and as a result we canont detect the amount of surreptitious gains which are made. It has been conjectured or estimated by experts that about Rs. 2 crores go by way of surreptitious gains and at least Rs. 1 crore is lost in the shape of taxes. Perhaps much more is lost in that way and we can easily avoid that evasion of tax. All this is to the

[Shri Sadhan Gupta]

benefit of nationalisation of general insurance.

What can be said against nationalisation? I cannot conceive of anything being said against it except that the charges for compensation will be too high. I do not agree to that, because the charges for compensation cannot be too high. Because, the total assets of the insurers today, I believe, is about Rs. 63 crores, and the gross premium income already is Rs. 29,66,37,000. That premium income is bound to go up considerably and profits are bound to be made, and as a result, if we spread our compensation, we can easily take over the business and manage the compensation and in fact milk the business in future years. For paying compensation, there will not be any difficulty. Even if there be some difficulty in paying compensation, in view of the malpractices prevailing and in view of the economy that can be effected through nationalisation of general insurance, in view of the foreign exchange that can be saved, in view of the healthy growth and development that can be infused into the industry, in view of the benefit to the employees, in view of the benefit, through the expansion in the new venture, to the people, this is an undertaking worth going into. This is a thing that the Government should, in the interests of the country, undertake and find the money for.

Shri P. R. Patel: Mr. Chairman, I have heard my two hon. friends; they want that all general insurance work should be nationalised. I think with their ideology, they are on the right path, because they derive this thought from Russia, and in Russia everything is nationalised. So, it would be naturally proper for them to ask for nationalisation of general insurance. But let me tell you that Russia is not the only country in the world. In European countries, other than Russia, and in the United States and Canada and other countries, there are general insurers. They do this work and there it is not with the public sector but in the private sector. (*Interruption*). I am not of the view that if need be it should not be nationalised. But we shall have to consider whether the country will gain thereby, that is, by nationalising general insurance.

Let us see the progress made by the general insurers in the last five years. We find that in 1953, the premium income was Rs. 16,52,74,000, and in 1958, the estimate was Rs. 24,97,79,000. So, the progress is about 45 per cent to 50 per cent. When we see the progress being made by the Indian companies, is it proper to create doubts in the insurance management that general insurance will be nationalised? Such doubts will rather hamper our progress.

Furthermore, we have to comete with the British companies because in India there are about 90 Indian companies and 87 non-Indian companies. Non-Indian companies are registered in U.K. and other countries and naturally they have got very good financial backing. If we losely talk of nationalisation, naturally that would impede the progress which is being made in insurance work. So, I was proposing by my amendment, which has been disallowed, that we should declare that for 25 years there will be no nationalisation. After all, 25 years is not more in the life of a nation. My friends may be in haste because they want everything to be nationalised, but that is not our policy.

We have accepted both the private sector and the public sector. That is the Government's policy. At the time of nationalisation of life insurance, the matter was discussed and at that time we did not touch general insurance. The opinion of the country then expressed was, let life insurance be in the public sector and general insurance in the private sector. After that, the matter was discussed in the Rajya Sabha and there also, the same opinion was expressed. Again, we are discuss-

ing the matter today. What will be the repercussions on the insurance companies? The management will be always thinking, today the resolution has come for nationalising general insurance; after 2 or 3 years the same type of resolution may come and some day general insurance may be nationalised. So, they will not put all their life and vigor into the insurance work. When we see from the figures that they have made pogress by about 50 per cent, I do not think there are proper grounds to interfere in their present working.

Let us consider the other thing also. Out of Rs. 24 crores, I think we are having Rs. 12 crores from abroad. Our Indian companies are doing insurance work abroad also and they get as much premium from abroad as they get within the country. It is a good sign. So, if we encourage our insurance companies, they will do better.

In 1953, the non-Indian companies were doing better work. In 1953 they got 43 per cent. gross premium income of the whole premium income of the country and today they are getting about 32 per cent or so. That shows that our companies are doing good work even in competition with the non-Indian companies.

Shri Sadhan Gupta: Rebating.

Shri P. R. Patel: For the satisfaction of my hon. friends, I would refer to some figures given in the *Indian Insurance Book*, 1959. (*Interruption*). At table 6, it is said that the net claims for Indian insurance was 39·9 per cent and the expense of management, including commission was 45·0 per cent. In the case of non-Indian companies registered in U.K. and other big countries, the expense of management including commission amounted to 50·6 per cent. Does it not show that our companies are managed economically? Does it not show that for their management and commission, our companies spend less than non-Indian insurers? If these figures do not appeal to my friend, I have nothing to say to him. According to table 6, the net claims on risk covered paid by Indian insurance is 39·9 per cent. whereas in the case of non-Indian companies, it is only 23·3 per cent, which is less than the figure for Indian companies.

So also in regard to marine insurance. My friends will agree that we have to compete with foreign companies outside. Here also in the case of Indian insurers, the net claims come to about 69·4 per cent. For non-Indian insurers, it comes to 50·1 per cent. For expenses including commission, Indian insurers spend in marine insurance 27·8 per cent, while non-Indian insurers spend 38·3 per cent. This clearly indicates that our companies fare well in competing with the non-Indian insurers. At the same time, the expense ratio is much less compared to non-Indian companies. Regarding commission, from table 14 you will see that in India of the claims regarding fire the claims payable is 36·1 per cent, commission 14.3 per cent and expenses including business expenses etc. 32·8 per cent. In the United Kingdom registered Companies the claims payable is 22·8 per cent. commission 14 percent (a difference of ·3 per cent) and expenses 32·6 per cent. In New Zealand registered companies the claim payable is 20·2 per cent, commission 13·9 and expenses 38·1 per cent. much more. In France the registered companies claims payable is 28·9 per cent, commission 14·9 per cent (much more than what we pay) and expenses 44·1 per cent. In the United States of America registered Companies the claims payable is 29:3 per cent, commission 14·4 per cent and expenses 39·9 per cent in fire. Here I do not refer to marine and miscelleneous insurance.

These show that our companies are doing well. The only argument against private insurance is that they do not take cattle insurance and crop insurance. But we are just beginning.

[Shri P. R. Patel]

After independence foreign companies were competing with them. Naturally, it will take time. For crop insurance, I think my friends must be knowing that the Punjab Government has made a very good beginning. Regarding cattle insurance, my friends who are sitting there, the Communist friends, they can ask the agriculturists to start one company and see how they manage. Whether they misappropriate or not, let time decide.

Shri Sadhan Gupta: We want you to nationalise.

Shri P. R. Patel: You have to start one company, gain experience and be wise thereby.

Shri Sadhan Gupta: We do not believe the private sector.

Shri P. R. Patel: There are some charges that more rebate is being paid. That is a universal disease, prevailing not only in India but all over the world. The reason is that the commission margin is 14 per cent. very much less. Since we are now managing four companies, Jupiter and others, I would like to know what the expense ratio of the Government is. Are we able to work them within 14 per cent or we have to pay more. When the commission to be paid cannot be more than 14 per cent, naturally travelling and other expenses are granted. If you want the companies to progress and if you cannot give more than 14 per cent as commission, then you have to give other facilities like travelling expenses and put them under management expenses. However, it is under control at the same time; it is not more. Because, our management expenses are much less than those of non-Indian insurance companies. In this context I want to read one article written by Shri Ajoy Das Gupta.

Shri S. M. Banerjee: Don't read that paper.

Shri P. R. Patel: I am not a puritan not to read Communist literature. I read all literature. If you come to my place you will find more books on Communism, because without studying them I cannot reply.

Shri T. B. Vittal Rao: We are happy to hear that.

Shri P. R. Patel: There are the remarks on malpractices, rebating, paying more rebate, more commission and writing them under other heads:

> "These vices are not by any chance confined to the New Asiatic. Rather, the entire trade has been engulfed by them. Ask any manager of general insurance companies and he will tell you the way they have to secure business."

This is done in America and other countries also to secure more business. So, I would submit that my friends should not be averse . . ..

Shri Sadhan Gupta: To illegalities.

Shri P. R. Patel: . . . to private sector doing insurance business. After all, the shareholders generally come from the common class. Now under the present rules a man who begins a new company has to have more shares, but if you see the position some 8 or 10 years ago, the figures will show that about 90 per cent of the shares are held by the common people and not by rich people. The fact that shares in the insurance companies are distributed among the common class shows that it is in reality in the public sector, in the real sense of the term, for which we have to coin a new word. Because, if any individual does any work that is in the private sector. If some family does business, that should also be termed private sector. But when shares are offered to people and they subscribe, that company should be called a public sector company. What is done by government in a sector should be called Government sector. My hon. friends desire that general

insurance should be in government sector.

They want it because in Russia, if I mistake not, they have got a State Insurance Company of the Soviet Union, called INGOSTARCH. However, to get re-insurance they had to start another company, called the Black Sea and Baltic Insurance Company, which acts as the outlet for placing re-insurance in London and other markets. So, for placing re-insurance and getting re-insurance they had to start a separate company, not in the Government sector. From this you will see that my friends who want that general insurance should be in Government sector are guided only by their ideology and nothing else.

If you look to the investment of these companies, a large part of it is with the Reserve Bank—see table 9. The security deposits of Indian Insurers with the Reserve Bank comes to Rs. 2,69,12,000. Other securities, that is, securities of municipal corporations and other bodies, comes to Rs. 8,55,000. Their investment in co-operative banks and debentures comes to Rs. 3,63,000. So the money is with the Reserve Bank, and the non-Indian insurers also put their money.

Shri T. B. Vittal Rao: Out of a total of how much? Will you give that also?

Shri P. R. Patel: I will give the total also, please do not make haste. The total is Table No. 7, They have their investments in Central Government securities, State Government securities, foreign government securities, municipal, co-operative and trust securities, debentures of Indian companies, preference shares of Indian companies and so on. And their assets in 1956 were Rs. 43 crores and in 1958 they went up to Rs. 51.79 crores. So they are increasing their assets, they are increasing their work, they are increasing their work abroad, and they are making progress. Under the circumstances whether it would be proper to nationalise general insurance is a matter which has to be carefully considered.

The only argument that has been put in by my hon. friend is that they do speculation in shares, and if they lose anything they put it in the company. But my friend did not give any instances; it was a general remark. If such be the fact, naturally the auditors are there, and there is government control also. We have got two Acts to control this insurance business; one is the Insurance Act, and the other is the Company Law. We have amended the Company Law very recently and Government shall have more control over the companies. Now, with these two Acts, if there be anything wrong, Government will have powers to correct it.

My hon. friend says that New Asiatic wrote off their losses in subsequent years and made up the same. There is nothing wrong in it. If a man loses twenty lakhs of rupees and every year he writes off five lakhs and in the end makes good the loss, after all there is no misappropriation. It is writing off of losses.

Shri Sadhan Gupta: Why does not the auditor think so?

Shri P. R. Patel: In this case even the Government has been pleased to appoint two directors. So the question does not arise. Government has considered the matter. And there is one thing more, namely that this fact was brought to light by the directors in 1956. They took action against the two officers who did this. One was dismissed and the other was de-graded. And I think this happened in Canada. So the directors were prompt enough to take action, and this question came up before the Government perhaps in 1958. So, two years earlier the Company had taken action. My submission, therefore, is that when the directors find some fault, they take action.

What have we done? In the L.I.C. there was the Mundhra affair in which more than a crore of rupees was

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involved. What did we do for that? We won't like to de-nationalise life insurance, but we took action against the officers. Naturally, in any company where the directors find that some fraud is done by some officer, when the fraud comes to their knowledge, they take action. What more can they do?

For instance, you will find in our Audit Reports that there are instances of misapropriations here and there in several departments, and if some persons have been responsible, action would be there. Is it proper to say: nationalise the whole thing. That is no argument.

Then my hon. friend said that big companies are there and they are devouring a large part of the business and the small companies do not get business. For that what remedy do they offer? That all the companies be nationalised, large and small. Is that the way? In that case let us help the small companies, let us merge them with the big companies and put general insurance work on very healthy lines.

So my submission is that my friends, naturally, in their zeal and in view of their ideology have put in this resolution. But I think this is not the proper time. Let us wait and see. Let us see the work of general insurance for twenty or twenty-five years, and whichever be the government it will look into the matter then. That is all that I wish to submit.

Shri Tridib Kumar Chaudhuri (Berhampore): Mr. Chairman, I would not have commenced my speech with a reference to ideology but for the fact that our esteemed friend who spoke just before me and who was occupying these benches till the other day and has now crossed the floor has become very much vociferous in denouncing what he supposes to be communist ideology. Whenever any talk of nationalisation comes up, he equates it with communism. But may I remind him of a very modest document—I hope he will concede it is a modest document—known as the Objectives Resolution of the Avadi Congress. There the Congress Party itself has declared its objective as the establishment of a socialist pattern of society. And in the Economic Policy resolution of Avadi it has been specifically stated that the State will try gradually to occupy strategic positions in the industrial and investment field. It is from that point of view that I ask for the nationalisation of general insurance business.

We have already seen how the nationalisation of life insurance business has put almost the command of the investment market in the hands of the Government. We have seen, and we have known, how the so-called captains of industry and finance come and meet our L.I.C. chiefs, their Investment Committee people and even sometimes the Finance Minister to plead with him how to invest the investible funds that life insurance business has put at the disposal, command and control of the Government.

Here I would not deal with the scope for expansion of general insurance business.

It has already been stated here what a colossal premium income this general insurance has. Of course, it will expand many times more, but already we find that the total gross premium income of Indian insurers is to the tune of Rs. 30 crores and the net premium income of foreign insurer—I have here only the net premium income—would come to about Rs. 7,19,00,000. The gross premium income may be somewhat higher. The assets of the Indian insurers are Rs. 38½ crores and of the foreign insurers more than Rs. 11 crores. If we look at the way in which the total assets of general insurance business of Indian insurers are distributed, we find that nearly 27 per cent of their assets are invested in deventures of

Indian companies, preference shares of Indian companies, ordinary shares of Indian companies, land and house property and so on. That is to say nearly 30 per cent or one-third of the assets which goes for investment in the private sector would come into the hands of the public sector and to that extent the strategic comand of the State over the public sector would increase.

This is neither socialism nor Communism. This is only one small part of the private sector business which the State must take under its control if it wants to retain the partial strategic control which it has already achieved by nationalising the life insurance business.

A reference has been made to the monopoly position of several companies and the name of one company, the New India, has already been mentioned here several times which controls an inordinately large proportion of this business. But according to the information that I have been able to collect I find that all the respectable names of our big business and all the leading monopoly capitalist groups are represented here. I do not want to attach any odium to these names. They are honourable houses serving business and industry according to their own likes and also make money. But I find that the Tatas are there—New India as everybody knows is a Tata concern—the Birlas are there, Fafatlal Gaganbhai, Lala Shri Ram etc. are all there.

Mr. Chairman: I believe it is not proper to mention hon. Members' names.

Shri Sadhan Gupta: These are names of the houses that are represented.

Shri Tridib Kumar Chaudhuri: The general insurance business and the control over the premium income of this industry is one of the avenues through which these esteemable gentlemen control our national economy. That is a power which we must take away from their hands.

I have only one other point. A point is sometimes made out that nationalisation of general insurance would not be very proper because under public management, general insurance business will not be able to make much headway. As you know, already, because certain General insurance companies were under the control of old private Life insurance companies and their business has been taken over by the L.I.C., these companies have also come practically under the management of the L.I.C., that is under public management. From the figures that I have in my hand, I find that this Government control, the General insurance companies have increased their net premium income within two years from Rs. 1 crores 22 lakhs to Rs. 2 crores and 64 lakhs in 1959. In the course of three years, they have increased their premium income more than 100 per cent. This is no mean achievement to the credit of the public sector and the L.I.C.

I can end my speech by expressing the hope that the hon. Minister will feel proud of the achievement of the L.I.C. and he would also show equal determination, because success is there, to take over General insurance business by the Government.

Dr. Krishnaswami (Chingleput): May we know how many Members are here I want the Members to be counted.

Mr. Chairman: After Five, Members are not counted.

Shri Nath Pai (Rajapur): If the Members are not counted, any conclusion the House has reached does not count.

Mr. Chairman: No, no.

17 hrs.

The Deputy Minister of Finance (Shri B. R. Bhagat): Mr. Chairman, I am very glad hon. Members have debated this important question. The hon. Mover of the Resolution, Shri T. B. Vittal Rao based his Reso-

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lution on three grounds. This is what he said. Because the L.I.C has done a very good job, because the insurance of cattle and crop has to be taken up and developed, and also because there are large-scale malpractices in the working of General insurance, the panacea that he offers is that this business should be nationalised. In addition to that, his hon. colleague Shri Sadhan Gupta said that there is a lot of under-cutting going on, that there is scope, for economy and that there is a drain which he described as a large drain on foreign exchange, and on these additional grounds, General insurance should be nationalised.

My hon. friend, Shri P. R. Patel, who has studied this question, has been able to clear some of the issues. He has quoted from the Year Book and largely tried to show that the condition of the Indian insurance companies is not as bad as has been made out. He has shown that though there is room for much improvement, there has been a steady progress in their working. The main difference between the Indian and non-Indian companies lies in the fact that whereas non-Indian companies are able to attract qualitatively better business, the Indian companies are not able to do this, resulting in a higher claim ratio. Some of the Indian companies which have bigger dimensions of operation and much better qualitative business may show better profit, but on the whole the fact stands that the profit in this sector of insurance is not very high, at least not that much as has been made out.

I may give a rough estimate of the profits in general insurance business. Though in the Insurance Year Book of 1959 a total of Rs. 207 lakhs is shown as having been appropriated in various ways, it may be pointed out that only Rs. 40 lakhs out of this were provided for dividends and Rs. 20 lakhs carried forward, the entire balance being utilised for certain expenses, taxes, reserves etc. Rupees 40 lakhs for a paid-up capital of Rs. 10 crores comes to only 4 per cent. Though a small number of Indian companies has been declaring steady dividends, it has to be pointed out that nearly 46 companies did not pay any dividend in respect of the year 1958. It may, therefore, be seen that there is not much profit in this business.

If we examine the points in favour of nationalising general insurance, we will soon come to the conclusion that they do not hold much water. Referring to the question of crop and cattle insurance, it has been said that if general insurance is nationalised, it will be able to take up any amount of business. In support of this argument it has been pointed out that the L.I.C. has been able to go to the rural areas. But I do not think that by mere nationalisation of general insurance, we will be able to enter fields which have not been covered as yet, particularly the rural field where crop or cattle insurance lies. It is the field of the State Governments. Some of the State Governments, as has been pointed out by the hon. Member, have taken up this question of cattle and crop insurance. They are very important in a rural economy, and a progressive rural economy will have a place for them, that is true, but to use that as an argument for nationalising general insurance, to say that nationalisation will give a fillip to cattle and crop insurance, has hardly any strength in it.

Similarly, he has said that L.I.C. has made phenomenal progress, therefore we must nationalise general insurance.

Shri Sadhan Gupta: Subsidiaries.

Shri B. R. Bhagat: Even the subsidiaries. Shri Tridib Kumar Chaudhuri says let us increase our strategic control of the private sector. He has quoted the Avadi resolution. I may say that we stand by socialism, we are building the foundations of socialism. The structure of socialism is coming up step by step. We have a dominant public sector which is growing, the pace of industrialisation is going up, we have a rural economy that is coming up, and the various plans are

building the foundation of socialism. Instead of directing our attention to building up the foundations of socialism, simply saying that we have only to take up nationalisation of a tiny sector of the economy irrespective of merits and that it will prove a bulwark of socialism is a view with which I do not agree.

Hon. Members would recall that when life insurance was nationalised, the then Finance Minister made a definite distinction between life insurance and general insurance business. Our position today stands the same. We took over life insurance for different reasons. The first was that we should have large resources for public funds, but, by nationalising general insurance, we were not going to get those resources. Secondly, general insurance business, or rather, the pattern of general insurance, particularly marine insurance was of such a highly technical nature that it would not be profitable or advisable to take it over. Of course, we have got three subsidiaries, and they are doing well, and we are getting very good experience in that line. That is true, and we want to continue that, and we want to develop that. But the point stands that if you look to the merits of the case, if you look to the various factors involved in it, if you have a realistic approach and not proceed in some undue enthusiasm, I think the case for nationalising general insurance is not a very strong one.

Shri Tridib Kumar Chaudhuri: May I ask one question?

Shri B. R. Bhagat: I shall answer all questions later. First, let me finish the points that I want to make.

The third plank for nationalisation is that there are malpractices. It is a very complicated issue. I agree with the hon. Member that there are malpractices in this business, I do not deny that, and every effort should be made, from the point of view of the industry as well as Government and Parliament to stop such malpractices. Let us think about it, and see how we can remove them. I shall try to point out what those malpractices are and how we can remove them. To say that there should be regulation and control is one thing, but to say that we should nationalise the industry and then all these malpractices will disappear and all problems will disappear is quite another. I agree that there is room for improvement in the working of the companies, and there are many malpractices existing in their working. Let us examine what these malpractices are.

The first thing, as was pointed out by my hon. friend Shri Sadhan Gupta, is the practice of rebating and extra commission payment. There are other malpractices such as illegal rebates, payments of extra commissions and also falsification of accounts. If by any measure, such things are stopped or considerably reduced, then, naturally, the premia will be reduced. In advanced countries, the premia are being reduced from time to time by force of competition or by governmental regulation, so that the policyholders get the benefit of reduced premia. Here also, this should be done. If, therefore, these malpractices are stopped, it does not mean that all that amount would be a profit. Nationalisation merely with a view to curbing or stopping these malpractices will prove a mirage, as the benefit of such saving should go to the policyholders in the shape of lower premia.

Similarly, another point was made in regard to the drain in foreign exchange. It was said that because of reinsurance placed with companies outside India by the Indian insurers and foreign insurers operating in India, it appears that there is some loss of foreign exchange every year. Some figure was mentioned in this connection. I am not able to say whether that figure is correct, but it is admitted that there is loss of foreign exchange on this account; that is true; I admit that there is some loss of foreign exchange. This loss is perhaps due to

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the Indian insurers not being able to get sufficiently good terms from the re-insuring companies abroad, and to the foreign insurers operating in India not bringing into their Indian account the reinsurance business they obtain in exchange for re-insuring Indian business abroad. Any effort made to save this foreign exchange should be done in a direct manner—that is what I want to plead with the House—by some sort of regulation and control of reinsurance of Indian business abroad. Nationalisation by itself is no solution for this. Even after nationalisation, we cannot do away with reinsuring with countries abroad. Channelising of the reinsurance to be placed abroad through one or two big institutions or by gaining experience of bargaining with the foreign reinsurance market, it may be possible to reduce this loss of foreign exchange by stages, avoiding the loss altogether in due course.

Then it was said that foreign companies are ruling the roost and are taking away a big share, having a big monopoly. As is quite evident from the figures given in the *Insurance Year Book*, the share of business of the foreign insurance companies is going progressively down. From 40 per cent, it went down to 32 per cent or 33 per cent. The only point is that through their experience and operations they are able to get the type of business which is qualitatively better.

I have dealt with a number of points raised on specific matters. I do admit that all is not well with general insurance business in this country. There are several malpractices prevalent on a wide scale. I carefully refrain from any comparisons between this section of the private sector and other sections of the private sector in this matter of malpractices and evils. But I do say that Government are fully alive to the realities of the situation. In fact, I may say that Government have done their best in the matter within the limited scope of the powers available to them so far. I will examine this point much further to show that we are trying to augment our powers of regulation and control as much as we can within the ambit of the legislative power available to us. Whenever undesirable features in the working of an insurance company have come to the notice of Government, they have promptly ordered an investigation into the affairs of the company, making use of the powers under section 33 of the Insurance Act. When the report of the investigation is received, Government take quick decisions against the party concerned within the limitations imposed by statute. There is a power given to Government by the Act to appoint one or two government directors on the board of directors of an insurance company. Under the General Insurance Act, we do not have the power to appoint an administrator, as we had on the life side. Whatever powers we have, we are fully utilising them to prevent any malpractics that may occur.

It is not desirable to mention the names of insurance companies against whom some action or other has been taken. But since the names of two insurance companies have been mentioned, I would like to inform the House how promptly we have acted in the matter and there is no cause for worry on that account. I am referring to the New Asiatic Insurance Company and Ruby General Insurance Company. When certain matters regarding these two companies came to the notice of Government, prompt steps were taken to get the affairs thoroughly investigated. How well the investigation was carried on may be seen from the findings of the investigation auditors in the case of the New Asiatic. The main points were disclosed to the House in answer to a question by my hon. colleague. Two Government Directors were appointed to the Board of Directors of the New Asiatic in order that they may locate the responsibility for the misdeeds. Their report is still awaited and it is hoped that it will be forthcoming soon, when Government will certainly con-

sider what further action has to be taken in the matter.

In the case of the Ruby, the salient points in the report of the investigation auditors were communicated to the company. The company's reply has been received recently. It is under consideration. I am mentioning this only to show that Government are doing their best taking all circumstances into consideration. Government are not to blame in any way if things in general insurance are not better than what they are at present.

In this connection, I may be permitted to say a word about how our machinery for regulation and control works. The Department of Insurance, the Department under the Controller of Insurance, a statutory officer, functions there. These powers are at present extremely limited as far as general insurance is concerned. But, even with this limitation, of powers and functions, the Department has been carrying on well and the general insurance companies, big and small, Indian and non-Indian are feeling the extreme efficiency of this Department and the effective enforcement of the provisions of the Insurance Act. The hon. Member was quoting some of these figures. Although the claims ratio is higher, the commission and the other factors were more comparable with other countries. They reflect the efficiency of this Department because we have been rather strict on these general insurance companies. For example, we have been insisting that the expense ratio must be maintained within a limit. Then, in the day to day functioning and other things we have been trying to tighten them up. The Department has been doing very useful service in bringing to the notice of the Government not only the failings and shortcomings of individual companies promptly but also the malpractices and evils in the business as a whole, at the same time going to the root causes and pointing out the fundamental defects. In the administration of statutory powers, the Department has been showing a commendable impartiality and discharging its thankless tasks without fear or favour. Even our three government subsidiary companies have got to keep to the line though they have been doing well. So, in paying a marked tribute to this Department, I am doing no more than doing justice to it.

Now, there is one factor. We have talked about malpractices. But I would urge the House to appreciate this point that these malpractices are there not because there has been any overlooking on our part but because the trade has been functioning in a peculiar manner. There is mutual distrust and competition. In their mutual distrust, the companies are not tackling the root causes of their present plight. It is my bounden duty to tell these companies that they should shed their suspicion of one another, get together in a constructive spirit and tackle the fundamental evils. In any such genutine efforts they may make, they may count on the full and active co-operation of the Government. General insurance business is one section of business in India where there is a special Act, a separate Government Department to administer the Act, a statutory Association with its Executive Committee, Code of Conduct and Administrative machinery. Reference was made to that Code of Conduct. It may not have worked in certain matters; for example, in rebating, it may not have been very successful. But, certainly, in enforcing cash payments for premium—you know that the practice of credit was prevalent in that—it has been quite successful. So, although it has not been very effective to our desired extent, it has not been quite ineffective as it has been made out to be.

Then, there is the Administrative Machinery for which the Government has agreed to the Controller of Insurance being the head, and a statutory Tariff Committee and regional Committees to control and regulate the rates of premium and policy conditions. If with all these, the active

[Shri B. R. Bhagat]

and full-hearted co-operation of all insurance companies is not forthcoming to make the business cleaner and sounder, the Government cannot help taking further steps to improve matters. If we find that the business, as a whole, is not playing the game, certainly, we will come up and take further steps. If more powers are necessary, we will come to this House and arm ourselves with more legislative powers. But, certainly, we are not overlooking. We are not looking with idle gaze and seeing all these malpractices going on.

The trade has so far failed to evolve a system of premium rates on a scientific basis. It has so far failed to check the foreign exchange drain involved in its present pattern of operations. It has so far failed to check the fundamental evil of payment of illegal rebates and the concomitant evil of falsification of accounts. The Government will not be looking on idly in the face of these failures on the part of the trade to set its house in order. I shall not take any more time of the House. I do not feel that there is any case for nationalisation of general insurance business. There are no resources to any significant extent for the purposes of our Plans, in this business. The profits in this business are slight. The evils in this business, to a large extent, may be found in some form or other elsewhere also. We cannot go on nationalising one thing after another on this ground. But I do not say that nothing need be done. 'Regulation and control' is the method we propose and Government will certainly be making 'regulation and control' more and more effective by taking additional powers whenever they become necessary and essential, until general insurance business is put on a very stable and solid basis.

Sir, with these words, I maintain that there is no case for nationalisation of general insurance at this stage. We have ample powers and I oppose this Resolution.

Shri Warior (Trichur): May I ask one information? How much amount of premium are we paying from the public sector undertakings to the general insurance?

Shri B. R. Bhagat: I do not have that figure just now.

Shri T. B. Vittal Rao: Sir, I will not take much time of the House and I am also not disappointed by the Minister's speech because our experience in this House has been that though they reject our suggestions at the first instance, after sometime they come and do what we have said a little earlier. For instance, when we were demanding nationalisation of life insurance, the same thing was said but later on they did it. According to Shri P R. Patel, there should not have been any nationalisation of life insurance or the Imperial Bank of India or the Indian Airlines Corporation and the Air India International. All these things should not have been nationalised because they were showing progress and according to Shri Patel, when they show progress in the private sector, they should not be nationalised. Anyhow, they have been nationalised.

Now, I come to a recent example. We have been demanding for the last two years—a decision was taken by the Government to manufacture diesel locomotives in the private sector which we opposed—that they should be manufactured in the public sector. The Minister got annoyed and he was saying that the Government could not manufacture every bolt required for the railways in the public sector and that they had to depend upon the private sector. Now, what has happened? Only a few days ago, he made a statement that a decision had been taken to manufacture them in the public sector. Therefore, I am not at all disappointed at the Deputy Minister's speech asking the House to reject this Resolution.

But he has at least admitted one thing that there is a case for more

control and regulation, that the present powers were not enough, etc. He has seen the state of affairs in the New Asiatic. He says that a little more is required. If he is serious about regulation and control, he should have straightaway said in the House that the Government is coming forward with legislation for more powers. The same thing was debated in March in Rajya Sabha and the hon. Minister said so many things. We have seen the state of affairs in the New Asiatic and the Ruby?

If this insurance is also taken over, even the little drain that is going on in the foreign exchange can be stopped. Then, there should be some change in the investment pattern of this. Out of a sum of Rs. 52 crores with these companies, a little over Rs. 5 crores is invested in the reserves and Government securities. What is the percentage? Cannot this be increased? In the case of life insurance, when life insurance was not nationalised, there was a larger ratio.

In concluding, I say that I am grateful to all the Members of the House who have participated in this debate, including Shri Patel. Shri Patel has given figures which rather enlightened me but I do not agree with his conclusions. Even so, Sir, I thank him. Sir, with these few words I request the House to accept my resolution.

Mr. Chairman: Is Shri Tridib Kumar Chaudhuri pressing his amendment?

Shri Tridib Kumar Chaudhuri: No, Sir, I do not press it.

The amendment was, by leave, withdrawn.

Mr. Chairman: Shall I put the resolution to the vote of the House?

Shri T. B. Vittal Rao: Yes, Sir.

Mr. Chairman: The question is:

"This House is of opinion that General Insurance should be nationalised".

Those in favour may say 'Aye'.

Some Hon. Members: Aye.

Mr. Chairman: Those against may say 'No'.

Some Hon. Members: No.

Mr. Chairman: The 'Ayes' have it.

Some Hon. Members: The 'Noes' have it.

Mr. Chairman: We will have the division on Friday after next.

Shri S. M. Banerjee: Supposing we win, Sir, then this will delay nationalisation.

Mr. Chairman: We will think about that later on.

17.26 hrs.

BUSINESS OF THE HOUSE

Shri B. R. Bhagat: Sir, on behalf of the Minister of Parliamentary Affairs, I have to announce a little change in the programme for the next week as announced by him this morning. The change concerns discussion on the present position in regard to production, distribution and export of sugar on a motion to be made by Shri Rajendra Singh and others. This discussion is now proposed to be held on Wednesday, the 7th December, 1960, at 3 P.M. instead of 6th December, as already announced.

17.27 hrs.

RESOLUTION *RE*: NEW MARKING SYSTEM OF VOTING

श्री विभूति मिश्र (बगहा) : चेयरमैन साहब, मैं अपना संकल्प आपके सामने पेश करना चाहता हूं, वह इस प्रकार है :

"इस सभा की यह राय है कि हाल ही में लोक सभा तथा रा

[श्री विभूति मिश्र]

> विधान सभाओं के उपचुनावों में निशान लगा कर मतदान करने की जिस नई प्रणाली का परीक्षण के तौर पर प्रयोग किया गया था वह सफल सिद्ध नहीं हुई है, अतः इसका भावी चुनावों में प्रयोग न किया जाये।"

इस सम्बन्ध में मुझको यह कहना है कि वोट देने की प्रथा बहुत पुरानी प्रथा है। यह प्रथा हिन्दुस्तान में ईसा मसीह के ३०० वर्ष पहले से चली आती है। हिन्दुस्तान में सरकारी काम में भी वोट का प्रयोग होता था और गांवों में भी यदि किसी आदमी को कोई सजा देनी होती थी तो उस समय भी यह प्रथा काम में लायी जाती थी।

इसके अलावा दुनिया के और देशों में भी वोट की प्रथा चालू है। एथेन्स में वोट की प्रथा थी। "बैलट" शब्द इटालियन शब्द 'बैलोटा" से निकला है, यह उसका अपभ्रंश है।

पहले लोग इस तरह के नहीं थे कि वोट की प्रथा में कोई गड़बड़ करते हों। मैं वोट का काम या तो पत्थर से कर लेते थे या मिट्टी की गोलियां बना कर कर लेते थे, नहीं तो कागज के टुकड़ों से कर लेते थे। जब इस तरह की प्रथा में गड़बड़ी होने लगी तो यह महसूस हुआ कि वोट की कोई दूसरी प्रथा निकाली जानी चाहिये। तो सन् १८५६ में साउथ आस्ट्रेलिया में यह मार्किंग का सिस्टम चला। आज हमारी सरकार जो सिस्टम चालू कर रही है, वह मार्किंग का सिस्टम साउथ आस्ट्रेलिया में सन् १८५६ में चला था।

हमारे देश का इतिहास यह है हमारे स्वाधीन होने से पहले का, और जगह का तो मैं नहीं जानता, हमारे यहां बंगाल, बिहार, आसाम और उड़ीसा में रंग रखा जाता था। जितने उम्मीदवार होते थे उनमें हर एक को एक एक रंग दिया जाता था, किसी को लाल, किसी को पीला, किसी हरा, किसी को उजला आदि। और उसी रंग का बकसा रहता था। वोटर्स को बैलट पेपर दिया जाता था और वह जिस उम्मीदवार को वोट देना चाहते थे उसके बकसे में जा कर अपना पेपर गिरा देते थे।

स्वाधीनता के बाद सन् १९५२ में हमारे देश में प्रथम बार आम चुनाव हुए। उस समय देखा गया कि बहुत से उम्मीदवार होंगे, तो रंग का बटवारा करना मुश्किल है। इसलिये हमारे यहां इलेक्शन कमीशन ने सिम्बल की प्रथा चलायी, चुनाव चिह्न की प्रथा चलाली, जैसे कांग्रेस का सिम्बल बैलों का जोड़ा था, किसी की झोंपड़ी थी, किसी की धूपदानी थी, किसी का वृक्ष था और किसी का कुछ और था। इस तरह से हर एक पार्टी को उसका चुनाव चिह्न दिया गया। सन् १९५२ के चुनावों में यह प्रथा बहुत अच्छी तरह से कामयाब हुई, और सन् १९५२ के चुनावों में एलिजिबिल वोटर १७–३ करोड़ थे जिनमें से १०–५९ करोड़ ने अपना वोट दिया, और वोटिंग का परसेंटेज रहा ६१–२१९। यही प्रथा फिर सन् १९५७ के चुनावों में चली। सन् १९५७ के चुनावों में एलिजिबिल वोटरों की संख्या १९–३ करोड़ और वोट देने वालों की संख्या, यानी जिन्होंने अपने वोट दिए उनकी संख्या थी १२–०५ करोड़। सन् १९५७ के चुनावों में ६२–४१ फी सदी वोट गिरे थे। सन् १९५७ के चुनावों के बाद एलेक्शन कमिशन ने एक रिपोर्ट निकाली है जिसमें उन्होंने यह कहा है :

"The system of allotting a different election symbol to each candi-

date in a constituency and placing a separate ballot box marked with his symbol in the polling compartment was adopted successfully in the first general elections and it enabled the illiterate section of the voters who formed over 83 per cent of the total electorate to vote intelligently and in perfect secrecy in favour of the candidates of their choice.

The percentage of literacy not having materially improved since the first general elections, the system of symbols was continued for the second general elections by universal agreement. It would still be impossible for the vast majority of voters by reason of their illiteracy to mark their votes on ballot papers printed as in other countries with the names of the candidates printed on them. The secrecy of the ballot would have largely suffered if every illiterate voter were to be assisted by the polling staff in marking his vote on such a ballot paper...."

यह उन्होंने लिखा है । यह सेकेंड जनरल एलेक्शंस की रिपोर्ट है । उन्होंने लिखा कि पहले जनरल एलेक्शन में यह बात सफलीभूत हुई और दूसरे एलेक्शन में सफलीभूत हुई । आखिर एलेक्शन कमिशन ने कहा कि हिन्दुस्तान में ८३ फीसदी अशिक्षित लोग हैं, अनपढ़े लोग हैं और ऐसे लोगों को अगर हम मार्किंग सिस्टम बतलावें तो उनके लिए मुश्किल होगा कि वे अपना वोट ठीक से एक्सरसाइज कर सकें और गुप्त रूप से एक्सरसाइज कर सकें ।

अब सभापति महोदय, हमारे देश में बहुत अधिक अशिक्षा है और बहुत से निर्वाचन क्षेत्र ऐसे हैं जहां कि पढ़े लिखों का नाम भी नहीं है और लोगों को अपने जरूरी पत्र आदि पढ़वाने के लिरे, ५, ५ और १०, १० मील जाना पड़ता है ।.....

विधि मंत्री (श्री अ० कृ० सेन) : अब हालत ऐसी नहीं रही है जैसी कि माननीय सदस्य बतला रहे हैं ।

श्री विभूति मिश्र : अभी भी साहब ऐसी हालत कायम है और सेन साहब जैसे कुशल और अनुभवी व्यक्ति मौजूद नहीं हैं । बहुत से निर्वाचन क्षेत्र ऐसे हैं जहां कि अभी भी अविद्या मौजूद है । मेरे ही निर्वाचन क्षेत्र में दोहद का इलाका है जो कि एक जंगली इलाका है और चारों तरफ ५, ७ मील तक जंगल ही जंगल फैला हुआ है । अब वहां पर हमारे भोले भाले और अनपढ़े ग्रामीण भाई बस्ते हैं और उनको इतनी भी शिक्षा प्राप्त नहीं है कि वह वोट को समझ सकें और फिर यह मार्किंग सिस्टम तो ऐसा है जिसमें पढ़े लिखे आदमी तक से गलती हो सकती है ।

17.34 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

अब उपाध्यक्ष महोदय, आप लगभग नौ साल से संसद् के सदस्य हैं और यह हमारी खुशकिस्मती है कि आप हमारे उपाध्यक्ष हैं । आपने देखा होगा कि यहां पर जो हम अपना वोट डालने के लिये बटन दबाते हैं तो उसमें मनिस्टर साहबान से भी गलतियां हो जाती हैं और मेम्बर साहबान से भी अक्सर गलतियां हो जाया करती हैं और अब आप समझ सकते हैं कि जब इतने पढ़े लिखे मिनिस्टरों और मेम्बर साहबान तक से गलती हो जाती है तब उन बेचारे अनपढ़े लोगों का तो कहना ही क्या है । अब जो पढ़े लिखे लोग नहीं हैं उनको इस मार्किंग सिस्टम में अपना स्टाम्प ले जाकर लगाने में कितनी दिक्कत होगी ? दूसरी बात यह है कि हमारे यहां पर्दा सिस्टम बहुत ज्यादा है और उसके कारण भी इस मार्किंग सिस्टम में बड़ी दिक्कत और असुविधा होने वाली है । हमारी औरतें सब पर्दे के अन्दर रहती हैं । अब उनको आप कार्ड दे

[श्री विभूति मिश्र]

देते हैं और उनको उसको वहां बूथ पर जा कर जहां कि बैलेट बौक्स रक्खा जाता है वहां उसमें गिराना है । अब वहां पर प्रीसाइडिंग आफिसर रहेगा, सब का एजेंट रहेगा, सब के सामने जा कर उनको बैलट पेपर लेना होगा और बैलेट पेपर ले जा कर उस पर मार्क करना पड़ेगा और निशान लगाने में उन औरतों को जो कि पर्दानशीन हैं झिझक होगी और बहुत संभव है कि वे ठीक से निशान न लगा पायें या गलत जगह लगा दें । अब यह दुर्भाग्य का विषय है कि हमारे मुल्क में पर्दे की प्रथा है और इस पर्दे की प्रथा को एक दिन में एक दम से न तो सेन साहब हटा सकते हैं और न और कोई ही हटा सकता है । वह तो धीरे धीरे देश में से जायेगी । इसलिये जो वास्तविकता है उससे हमें मुंह नहीं मोड़ना चाहिये और आज जो स्थिति है उसके अनुसार हमें व्यवस्था करनी चाहिये । इसलिये मेरा कहना है कि इस मार्किंग सिस्टम के कारण पढ़े लिखे लोगों को भी दिक्तक होगी और जो पढ़े लिखे नहीं हैं और जिनकी कि संख्या हमारे देश में बहुत अधिक है उनको तो और भी अधिक कठिनाई प्रतीत होगी । मैं चाहता हूं कि यह जो मार्किंग सिस्टम में वोट की दिक्कत है उसे ठीक किया जाय ।

एलेक्शन कमिशन ने सेकेंड रिपोर्ट में खुद लिखा है कि मार्किंग सिस्टम में बड़ी कठिनाई है लेकिन इसके बावजूद एलेक्शन कमिशन ने इसको जारी किया । मार्किंग सिस्टम वहां चलेगा जहां कि लोग पढ़े लिखे होंगे लेकिन मैं अभी हाल में अमरीका में जो चुनाव हुआ है उसकी बाबत बतलाना चाहता हूं कि वहां भी चुनाव में गड़बड़ी हुई है । अमरीका सरीखा सबसे धनी और समृद्ध देश जहां के लोग काफी शिक्षित हैं वहां भी २२ नवम्बर, के स्टेट्समैन अखबार में इस आशय की खबर पी है Alleged fraud in U. S. Elections. अब समयाभाव के कारण मैं उसको पूरा तो पढ़ कर सुना नहीं सकता लेकिन उसमें यह चीज आई है कि वहां अमरीका में भी चुनावों में गड़बड़ी का पता लगा है । अमरीका में भी मार्किंग सिस्टम है । अमरीका के चुनावों के बारे में भी २६ तारीख को अखबार में यह चीज निकली है :

"Kennedy increased his lead in the popular vote... In Austin (Texas), a District Judge has dismissed an application by the Texas Attorney-General, Mr. Will Wilson, to impound ballots in 35 precincts of Wichita country for a re-check on alleged irregularities in the preseidential voting in Texas."

फिर उसके आगे यह लिखते हैं :—

"constructive fraud in the counting of ballots".

अब वोटर जा कर गलत मार्किंग कर दे यह तो इसमें संभावना है ही लेकिन कहते हैं कि काउंटिंग में कंसट्रक्टिव फ्रौड हुआ । अब आप समझ सकते हैं कि यह कितनी गंभीर बात है । वो ही उम्मीदवार हैं और जब इस तरह की गलती और गड़बड़ी उसमें हो सकती है तब और बड़े चुनावों का तो कहना ही क्या है । इससे आप समझ सकते हैं कि इस मार्किंग सिस्टम में क्या खामी है और इसमें क्या कठिनाई है । इस प्रथा के कारण स्टेट्समैन अखबार में २२ और २६ नवम्बर, को यह समाचार छपा कि वहां पर चुनाव में 'गड़बड़ और कंस्ट्रक्टिव फ्रौड हुआ है ।

दूसरी बात यह है कि इस मार्किंग सिस्टम के कारण जो सीक्रेसी मेंटेन करने की हमारी मंशा है उसे हम ठीक तरह से पूरा नहीं कर पायेंगे । मार्किंग सिस्टम सम्बन्धी ४१ एफ रूल इस प्रकार है :—

"41F. Placing of ballot boxes for receipt of ballot papers—

Every ballot box shall be placed for the receipt of ballot papers in the view of the presiding officer, the candidates and their agents."

यह तो सब के सामने रहेगा ।

रूल ४१ जी इस प्रकार है :—

"41G. The elector on receiving the ballot paper shall forthwith proceed to one of the polling compartments and there make a mark on the ballot paper opposite the name of the candidate or each of the candidates for whom he intends to vote, in accordance with the instructions set out in the ballot paper and fold it so as to conceal his vote, and after showing to the presiding officer the distinguishing mark on the ballot paper insert the ballot paper so folded into the ballot box in the presence of the presiding officer."

उपाध्यक्ष महोदय, इसमें लिखा है : after showing to the presiding officer the distinguishing mark on the ballot paper insert the ballot paper so folded into the ballot box in the presence of the presiding officer.

इसमें सबसे बड़ी बात यह है कि प्रीसाइडिंग आफिसर को उन्हें दिखलाना पड़ेगा जो कि उन्होंने मार्क किया है और उस हालत में वह सीक्रेसी कहां कायम रह सकेगी ? पहले की प्रथा के अनुसार वोटर अपना बैलेट पेपर ले जा कर जिस बक्से में चाहता था उसमें वह अपना पर्चा डाल देता था और वहां उस जगह पर कोई नहीं रहता था लेकिन इसमें तो प्रीसाइडिंग आफिसर को उस को दिखलाना पड़ेगा । यह ऐलेक्शन कमिशन का रूल है । हमारे ला मेम्बर साहब का रूल है । पहले उसे प्रीसाइडिंग आफिसर को दिखलाना पड़ेगा । जहां तक प्रिजाइडिंग आफ़िसर का सम्बन्ध है, फ़र्ज़ कीजिए कि वह कोई बड़ा आदमी नहीं है और भगवान और सत्य का बीड़ा उठाने वाला नहीं है, तो वह कह सकता है कि फ़लां आदमी ने आपको वोट दिया है और फलां आदमी ने नहीं दिया है । मैं यह निवेदन करना चाहता हूं कि मार्किंग सिस्टम के लिये जो सहूलियत चाहिये वह सहूलियत आज उपलब्ध नहीं है ।

हमारी सरकार और इलक्शन कमीशन यह चाहते हैं कि दो सप्ताह में चुनाव करा दिये जायें । पहले हम नामीनेशन पेपर फ़ाइल करेंगे और उस के बाद हम को विदड्राअल का डेट मिलेगा, जिस के बाद यह देखा जायगा कि कितने कैंडीडेट्स बच गए हैं । मैं समझता हूं कि सारे हिन्दुस्तान में लोक सभा के लिये लगभग ५०० और विधान सभा के लिए लगभग २८०० मेम्बर चुने जाते हैं । एक कांस्टीट्युएन्सी में जितने कनटेस्टेंट होंगे, उन के नाम सिम्बल के साथ इलेक्शन कमीशन को भेजने पड़ेंगे । पंद्रह दिनों के अन्दर इतने आदमियों का नाम बैलट-पेपर्ज पर छपेगा, क्योंकि यह पता नहीं कि कौन उम्मीदवार होगा । पिछले जेनरल इलैक्शन में एलिजिबल वोटर्ज की संख्या १९.३ करोड़ थी और वह संख्या इस इलेक्शन में २० या २१ करोड़ भी हो सकती है । इलैक्शन कमीशन को २१ करोड़ बैलट पेपर लोक सभा के लिए और २१ करोड़ विधान सभाओं के लिए सरकारी या गैर-सरकारी छापेखाने में छपवाने पड़ेंगे, जिस के लिए समय सिर्फ़ दो या तीन हफ्ते होगा । आप जानते हैं कि जिले जिले में कांस्टीट्युएन्सीज हैं । कहीं रिटर्निन्ग आफिसर एस० डी० ओ० होता है, कहीं डिस्ट्रिक्ट मैजिस्ट्रेट होता है या कमिश्नर होता है और जहां तीन चार जिले मिलाए जाते हैं, वह गवर्नमेंट का सेक्रेटरी होता है । इसका परिणाम यह होता है कि सरकार का सारा काम ठप हो जाता है । यह सारी सूचना तार, रेल या फ़ोन से भेजी जायगी, जिस में सरकार को बड़ी दिक्कत होगी ।

[श्री विभूति मिश्र]

यही नहीं, ४२ करोड़ बैलट पेपर छपवाने के बाद उन को कांस्टिट्युएन्सीज और पोलिंग बूथ्स में डस्पैच करना पड़ेगा। समय सिर्फ़ दो या तीन हफ्ते होगा जिस में सब नाम आयेंगे दूसरी सूचना आयगी, सब का कम्पाइलेशन होगा, बैलट पेपर्ज को सिक्योरिटी प्रैस, जहां हमारे नोट वगैरह छपते हैं, या किसी और प्रेस में छपवाना होगा, और फिर उन को कांस्टीट्युएन्सीज में, जहां प्रिजाइडिंग आफिसर्ज होंगे, भेजना होगा। मैं यह निवेदन करना चाहता हूं कि यह बड़ा कालोसल काम है, जिस को करने में बड़ी कठिनाई होगी। बैलट पेपर्ज में यह सहूलियत है कि उन को सरकार छः महीने में छपवा सकती है और उन को गुप्त रखा जा सकता है।

आज कल डेमोक्रैसी का जमाना है। सब समझते हैं कि हम जीत जायेंगे। इस प्रकार अगर किसी कांस्टीट्यूएन्सी में दस या पंद्रह उम्मीदवार खड़े हो गए, तो बैलट पेपर की शक्लो-सूरत बढ़ जायगी। इल्लीट्रेट लोगों को छाप लगाने में दिक्कत होगी। ह्यूएनसांग और फाहियान यात्री चाहे कुछ लिख गए हों, लेकिन तथ्य यह है कि लोग धर्मात्मा नहीं हैं। इलैक्शन कमीशन के लोग और श्री अशोक सेन तो टापमोस्ट आदमी हैं और सारी दुनियां में घूमे हैं। वे जरा गांवों में जा कर देखें कि आम वोटर्ज की हालत क्या है और वे किस तरह अशिक्षित हैं। इस अवस्था में मार्किंग सिस्टम कैसे सफल हो सकेगा? पढ़े लिखे लोगों के लिए तो यह सिस्टम ठीक है, हालांकि मैंने आप को अभी अमरीका का उदाहरण दिया है कि जहां काउंटिंग में कंस्ट्रक्टिव फ्राड हुआ और वहां भी मार्किंग सिस्टम है। वहां भी इस सिस्टम के कारण गड़बड़ी हुई।

सैकंड जेनरल इलैक्शन में कहीं कहीं बक्सों में खराबी हो गई, तो इलक्शन कमीशन ने सोचा कि हम खराबी का इल्जाम अपने ऊपर क्यों लें। हमारे यहा श्री रामचन्द्र जी कुछ टैक्स लेते थे और उन के भाई भरत उन से कम टक्स लेते थे। जब रामचन्द्र जी जंगल से वापस आए, तो उन्होंने लोगों से पूछा कि उन का क्या हाल है। लोगों ने कहा कि हम भरत के जुल्मों से बच गए। मेरे कहने का तात्पर्य यह है कि लोग सब जगह शिकायत करते हैं।

इस लिए अगर आदमी सच्चा है, अपने कर्त्तव्य का पालन करता है, इमानदार है, तो फिर लोग चाहे शिकायत करते रहें। सैकंड जेनरल इलक्शन में जिस तरह बैलट पेपर्ज का इन्तजाम हुआ और वोटिंग की व्यवस्था हुई, उस की सारे देश में प्रशंसा की गई। केवल प्रजा सोशलिस्ट पार्टी ने कहा कि मार्किंग सिस्टम होना चाहिए। न कम्यूनिस्टों ने यह बात कही, न जनसंघ वालों ने, न हिन्दू महासभा वालों ने और न कांग्रेस वालों ने—किसी ने यह नहीं कहा। यह देखा गया है कि जब राम-कथा होती है, तो कुछ लोग गपशप भी करते हैं। यह मनुष्य का स्वाभाव है। प्रजा सोशलिस्ट पार्टी की इस मांग के जवाब में इलैक्शन कमीशन ने कहा कि हम बाई-इलैक्शन में मार्किंग सिस्टम जारी करेंगे। मैं यह बताना चाहता हूं कि पंजाब में गुड़गांव कांस्टीट्युएन्स में १,६०,२३६ वोट्स पोल किए गए, जिन में से ५,६९६ वोट्स रिजेक्ट कर दिए गए। इस बात का भी ध्यान रखना चाहिए कि जेनरल इलैक्शन और बाई-इलैक्शन में फर्क होता है। अगर किसी जगह बाई इलैक्शन होता है, तो सारे सूबे के कार्यकर्त्ता, सब पार्टियों के लोग वहां पहुंच जाते हैं। किसी की को काम नहीं रहता, सभी वोटर्ज के पीछे लग जाते हैं, उनको सिखाने

पढ़ाने में लग जाते हैं। लेकिन जब जनरल लैक्शन होते हैं तो आप जानते हैं कि सभी आदमियों को अपने अपने काम पड़ जाते हैं और उस वक्त आम वोटर्ज को समझाने का समय और सहूलियत नहीं होती है। लेकिन फिर भी बाई-इलैक्शन में काफी वोट रिजैक्ट ए हैं। मैं मानता हूं कि मार्किंग सिस्टम अगर रखना है तो मद्रास, बम्बई, कलकत्ता, दिल्ली इत्यादि बड़े बड़े शहरों में रखा जाए और मुझे इसमें कोई प्रतराज नहीं है। लेकिन हम लोग अच्छी तरह से जानते हैं कि गांव के लोगों की क्या हालत है, किस हद तक लोग वेपढ़े हैं वहां पर और कैसे उनकी समझ में मामूली से मामूली बात भी नहीं आती है। इसके अलावा हमारे यहा परदा सिस्टम भी है जो बहुत ज्यादा है और यह भी एक बहुत बडी दिक्कत की बात है।

जहां तक बक्से का सम्बन्ध है वह सभी के सामने रखा रहेगा और जो अपना वोट डालेगा वह डरेगा कि कहीं कोई देख न ले कि किस को वह वोट दे रहा है। यह बात ठीक है कि स्वराज्य हो गया है लेकिन अभी भी देश में ऐंटी सोशल एलीमेंट मौजूद हैं। जो वोटर है वह घबराता रहेगा कि कहीं जो एजेंट है वह देख न ले कि किसको वोट दे रहा है और क्या उसके आदमी को दे रहा है या नहीं दे रहा है। साथ ही जो कैंडीडेट हैं वह यह अफवाह भी फैला सकता है कि उसने अपना एजेंट रख दिया है जो देखता रहेगा कि किस को कौन वोट देता है और उसको दिया है या नहीं दिया है। इस वास्ते जहां तक सीक्रेट बैलट का सम्बंन्ध है, वह खत्म हो जाएगा। आप यह न सोचें कि अगले आम चुनाव में जब आप चुनाव लड़ेंगे तो आपके लिए अच्छी सड़क बन जाएगी और दूसरों के लिए कांटों भरी सड़क होगी। सभी के लिए एक सी सड़क होगा। सुख दुःख सभी के लिए समान रूप से होंगे।

एक माननीय सदस्य: कलकत्ता से वह लड़ेंगे।

श्री विभूति मिश्र: यह किसी एक माननीय सदस्य का सवाल नहीं है, यह सारे हाउस के सारे मैम्बर साहिबान का सवाल है। यह सवाल किसी जाति विशेष का भी नहीं है, और न ही किसी जाति विशेष का काम है। हम सभी का यह काम है।

मैं समझता हूं कि देश, काल और पात्र के अनुसार ही कानून बनता है। जैसा देश हो, जैसा समय हो, जैसे आदमी हों, वैसा ही कानून बनता है। गुड़गांव की बात मैं कर चुका हूं। सी तरह से धनबाद में चुनाव हुआ था। ५८,५७२ वोट वहां पोल हुए और उनमें से १,८६८ वोट बरबाद गए, रिजैक्ट हुए। यह मार्किंग सिस्टम की वजह से हुआ। महाराष्ट्र में जालना में चुनाव हुआ। वहां १,६६,४१६ वोट पोल हुए और १३,७४३ वोट रिजक्ट हुए और इसका परसेंटेज ८.२ रहा। महाराष्ट्र में अकोला में चुनाव हुआ। वहां पर २,८७,७६५ वोट पोल हुए और उनमें से १७,८९९ वोट बरबाद गए और बरबाद वोटों का परसेंटेज ६.२ रहा।

अब मैं असैम्बली कांस्टीट्युएंसीज के बारे में कुछ कहना चाहता हूं। राजकोट में चुनाव हुआ। वहां पर ६४,४२० वोट पोल हुए और ७,०९९ वोट रिजेक्ट हुए। इस तरह से परसेंटेज ११ रहा। भिलौदा में चुनाव हुआ। वहां पर ४३,४४५ वोट पोल हुए और ४,०८३ बरबाद गए और बरबाद वोटों का परसेंटेज ९.४ रहा। परासिया में २७,१९२ वोट पोल हुए और २,६१६ बरबाद गए और ९.९ परसेंटेज रहा। बंगाल में जहां सब से ज्यादा शिक्षा है और अंग्रेज भी भारत में कलकत्ता के रास्ते आए और जोकि एक जमाने में भारत की राजधानी भी थी फालाकट्टा में ३२,५८९ वोट पोल हुए २,५४७ वोट बरबाद गए जिसका परसेंटेज ७.८ रहा। इस तरह जहां जहां भी चुनाव हुए हैं, बाई-इलैक्शंस हुई हैं, काफी अधिक संख्या में वोट रिजैक्ट हुए हैं और यह

[श्री विभूति मिश्र]

तब जब कार्यकर्त्ता सभी वहां इकट्ठे हो जाते हैं, लोगों को समझाते बुझाते रहते हैं, पढ़ाते रहते हैं। जनरल इलैक्शन में जब न सवारी का प्रबन्ध होता है और न पूसरी सहूलियतें होती हैं, क्या हालत होगी, इस पर आप विचार कर सकते हैं। उस वक्त तो कहीं अधिक संख्या में वोट रिजैक्ट होंगे।

मैं पूछना चाहता हूं कि सिम्बल वाला सिस्टम आप क्यों छोड़ रहेहैं। यह कहा गया है कि कुछ लोगों ने शिकायत की है और ऱ्यूमर्स सैट एफ्लोट की हैं जिससे आप घबरा गए, इलैक्शन कमिशन घबरा गया। मैं समझता हूं घबराने की कोई जरूरत नहीं थी, मुकाबला करना चाहिये था। शिकायत कहां नहीं होती है ? रामचन्द्र जी के खिलाफ भी लोगों को शिकायत थी। हमारा पहला और दूसरा इलैक्शन सफलीभूत रहा है। ऐसा होने पर भी इलैकशन कमिशन ने बाई-इलैक्शन में मार्किंग सिस्टम जारी क्यों किया है। यह कहा गया है कि इस सिस्टम में बहुत से बक्से रखने की जरूरत नहीं है, पहले में बहुत से बक्से रखने पड़े थे और रखने पड़ते हैं, उनकी मुरम्मत इत्यादि करवानी पड़ती है। दो मिलियन बक्से बताये गये हैं, बीस लाख नहीं बताया गया है। यह अंग्रेजी शिक्षा का ही असर है। दो मिलियन लिख दिया। कहा गया कि इन पर खर्च बहुत पड़ता है। आप ११० अरब का तीसरा प्लान बनाने जा र हैं। दस अरब का आप बजट बनाते हैं। तो क्या आप २० लाख बक्सों का इंतिजाम नहीं कर सकते हैं। आप कहते हैं कि मुरम्मत करवानी पड़ती है, उनकी केयर करनी पड़ती है। अगर आप इसी से घबरा जाते हैं तो साहब आप दुनियां का राज कैसे चलायेंगे।

18 hrs.

इस सम्बन्ध में टैम्परिंग की बात भी की जाती है। मैं समझता हूं कि जिस तरह से प्रिजाइडिंग आफिसर के सामने मार्किंग करना पड़ेगा, उसी तरह से यहां पर भी आप रख सकते हैं कि प्रिजाइडिंग आफिसर के सामने बक्से में बैलट पेपर गिराना होगा और जो वोट बाहर चले जाने की बात कही जाती है, इससे वह हल हो जाएगी। ४१(जी) में आपने कहा है कि उसके सामने जा कर उसको मार्क लगाना होगा। इसी तरह से सिम्बल वाला बैलट उसके सामने जा कर बक्से में डाला जा सकता है। बक्से को आप कुछ समय तक चलाइये। मैं चाहता हूं कि हमारी सरकार इस पर गम्भीरतापूर्वक विचार करे और कोई रास्ता निकाले। यह किसी खास पार्टी का सवाल नहीं है, सभी पार्टियों का सवाल है। उप-निर्वाचन से हम जनरल इलकशन के लिए कोई कायदा नहीं बना सकते हैं...

उपाध्यक्ष महोदय: माननीय सदस्य और कितना समय लेना चाहते हैं ?

श्री विभूति मिश्र: दस मिनट और मुझे दिये जायें।

उपाध्यक्ष महोदय: मुझे बताया गया था कि आपने तो गाड़ी पकड़नी है। आप उधर लेट हो जायेंगे।

श्री विभूति मिश्र: दूसरे दिन मौका दिया जाए मुझे बोलने का ताकि मैं दस मिनट और बोल लूं।

उपाध्यक्ष महोदय: बहुत अच्छा।

18.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 5th December, 1960/Agrahayana 14, 1882 (Saka).

[*Friday, December 2, 1960/Agrahayana 11, 1882 (Saka)*]

COLUMNS

ORAL ANSWERS TO QUESTIONS . . . 3475—3507

S.Q. No.	Subject	Columns
636	Implementation of Election Commission recommendations	3475—80
637	Industrial Credit and Investment Corporation of India.	3480—87
638	Grants to Ministries	3488—90
639	Civilians in border areas	3490—93
640	Himalayan Mountaineering Institute	3493—96
641	Durgapur Steel Plant	3496—98
642	U.K. advance for foreign exchange	3498—3500
643	Production of diesel oil from coal	3500—01
644	Delhi Engineering College	3501—04
645	Third Finance Commission	3504—07

WRITTEN ANSWERS TO QUESTIONS . . . 3507—82

S.Q. No.		
635	Export of frogs	3507
646	Gas Turbine Project	3508
647	Selective Tests for admission to Universities	3508—09
648	Purchase of Iron ore for Bhilai Steel Plant	3509
649	Production of Gas	3509—10
650	Export of Steel ingots to Germany	3510
651	Farmer's Car	3510—11
652	Central Institutes of Management	3511
653	Textile Technology course at Berhampore Institute	3511—12
654	Geodetic and Research Branch	3512
655	Accident in M.E.S., Delhi	3512—13
656	Coal supply to Steel plants	3513—14
657	Pre-Budget Debate	3514
658	Neyveli Lignite	3514—15
659	Audit of L.I.C. Accounts	3515
660	Conference of Jamaite-Islamia Hind	3515—16
661	Run on Indian Bank, Madras	3516
662	Home Guards	3516—17
663	Arrears of Income Tax	3517

WRITTEN ANSWERS TO QUESTIONS—*contd.*

S.Q. No.	Subject	Columns
664	National Discipline Scheme	3517—18
665	Reserve Bank Control over Scheduled Banks	3518—19
666	Asbestos deposits in Andhra	3519
667	Retrenched employees of Rehabilitaion Finance Corporation	3519—20
668	Seizure of gold	3520—21
669	"Kanpur-I" Aircraft	3521—22
670	Kalidas Samaroha	3522
671	Closure of Probhat Bank	3522—23
672	International Students House, Delhi	3523
673	Coal shortage in Uttar Pradesh	3523—24
674	Student indiscipline	3524
675	Army Act	3524—25
676	Oil survey in U.P.	3525
677	Violation of Indian Air space	3525—26
678	D.L.F. loan for India	3526
679	Clearance of baggage at Dum Dum airport	3526—27

U.S.Q. No.		
1169	Housing Scheme for Scheduled Castes in Punjab	3527
1170	Profit by Tobacco companies	3527—28
1171	Company Law cases	3528
1172	Cultural Grants to Punjab Organisations	3528—29
1173	Pardons granted by the President or the Central Government	3529
1174	Visas issued to foreigners	3530
1175	Welfare of Scheduled Castes and Scheduled Tribes	3530
1176	*Per Capita* Consumption of petrol	3530—31
1177	Foreign teachers in India	3531—32
1178	Scheduled Castes and Scheduled Tribes	3532—33
1179	Life sketches of soldiers of Independence struggle	3533
1180	Delhi Rent Control Act	3534
1181	Scientific Research in Punjab University	3534

WRITTEN ANSWERS TO QUESTIONS—*contd.*

U.S.Q. No.	Subject	COLUMNS
1182	Scrap	3535
1183	Iron and Steel for Punjab	3535
1184	Manufacture of motor-cycles in Ordnance factories	3536
1185	Merit-*cum*-Means Scholarships in Orissa	3536
1186	Utkal University Professors	3536–37
1187	Grant of Mining leases	3537–38
1188	Development of iron ore mines	3538
1189	Suppression of Immoral Traffic in Women and Girls Act, 1956	3538
1190	Standards of education	3539
1191	Expansion of N.C.C.	3539–40
1192	Development of linguistics	3540
1193	Medium term loans for Cooperative Industries	3540–41
1194	American Loan Commodities	3541–42
1195	National Tribunal for Cantonment employees	3542–43
1196	Defence Ministry staff	3543–44
1197	Pakistanis in India	3543–44
1198	Specific Relief Act	3545
1199	Birla Industrial and Technological Museum in Calcutta	3545
1200	Child murder in Defence Colony	3546
1201	Artificial Satellite of U.S.A.	3546
1202	Guns	3546
1203	Purchase of Electrical equipment from Yugoslavia	3546–47
1204	Power projects	3547
1205	Armed Forces Officers sent abroad	3548
1206	Banking unit in Kerala	3548
1207	Currency expansion	3549
1208	Coal supply to Steel Plants	3549–50
1209	Bonus by L.I.C.	3551
1210	Foreigners' Property in Punjab	3551
1211	Visit by Ministers to Kashmir	3551–52
1212	Office of the Accountant-General, Gwalior	3552–53
1213	Age limit for Higher Secondary Examination	3553
1214	Sports in Cantonments	3553–54
1215	Shoe Making Machine	3554–55
1216	Reservation for Scheduled Castes/Tribes in the Armed Forces	3555–56
1217	Law Commission Report	3556–57
1218	Refugee Adivasis	3557
1219	Adivasis in Madhya Pradesh	3557–58
1220	Christian Missionaries in Madhya Pradesh	3558—60
1221	Adivasi areas in Madhya Pradesh	3559–60
1222	Adivasi Colonies in Madhya Pradesh	3560–61
1223	Madhya Pradesh Officers in Central Government	3561
1224	Playgrounds in schools	3561–62
1225	Monuments in U.P.	3562–63
1226	Bonus for L.I. Policy holders for 1958-59	3563–64
1227	Delhi Central Jail, Tihar	3564
1228	Grant for encouraging dances	3564–65
1229	Delhi school of social work	3565
1230	Backward classes	3566
1231	Indian Teachers abroad	3566
1232	Central Government employees strike	3566–67
1233	'Wonder World of Science'	3567
1234	Preservation of rare manuscripts	3568–69
1235	Historical relics at Burzahom, Jammu and Kashmir State	3569
1236	Smuggling of liquid gold	3569—71
1237	Madhya Pradesh State Liaison Officer at Delhi	3571–72
1238	Issue of bonus cards to Policy holders	3572
1239	Wiremen in I.A.F.	3572–73
1240	Aid to Theatre Organisations	3573
1241	Land Revenue in Manipur	3573
1242	Police housing	3573–74
1243	D.H. Lawrence's Book "Lady Chatterley's Lover"	3574
1244	Counterfeit currency Notes	3574–75
1245	Tobacco cultivation	3575

WRITTEN ANSWERS TO QUESTIONS—*contd.*

U.S.Q. No.	*Subject*	COLUMNS
1246	Free education in Delhi Government schools .	3576
1247	Translation of standard works into Hindi .	3576–77
1248	Articles in Museums .	3577–78
1249	Assessment Orders in Hindi	3579–80
1250	National Institute of basic education . .	3580–81
1251	Sports in Tripura .	3581–82
1252	Revaluation of the Rouble	3582

MOTIONS FOR ADJOURNMENT 3582—93

The Speaker withheld his consent to the moving of the following adjournment motions given notice of by the members shown against them :

(i) Alleged failure of the Government to comply with the provisions of the Constitution in respect of the Acquired Territories (Merger) Bill, 1960 and matters connected therewith. — Shri Tridib Kumar Chaudhuri

(ii) Statements made by the Prime Minister and Chief Minister of West Bengal regarding the transfer of Berubari to Pakistan . . — Shri Atal Bihari Vajpayee

PAPERS LAID ON THE TABLE 3594–95

(1) A copy of Notification No. G.S.R. 1353 dated the 19th November, 1960, making certain amendments to the Minerals Conservation and Development Rules, 1958, under sub-section (1) of Section 28 of the Mines and Minerals (Regulation and Development) Act, 1957. .

(2) A copy of the territorial Councils (Consultation with Union Public Service Commission) Rules, 1960 published in Notification No. G.S.R. 1252 dated the 19th October, 1960, under sub-section (3) of section 54 of the Territorial Councils Act, 1956 . .

PAPERS LAID ON THE TABLE—*contd.*

COLUMNS

(3) A copy of each of the following Notifications under sub-section (2) of Section 3 of the All India Services Act, 1951 :

(*a*) G.S.R. 945 dated the 20th August, 1960 making certain amendments to the All India Services (Death *cum* Retirement Benefits) Rules, 1958. .

(*b*) G.S.R. 946 dated the 20th August, 1960 .

(*c*) G.S.R. 980 dated the 27th August, 1960 making certain amendments to Schedule III to the Indian Police Service (Pay) Rules, 1954 . .

(*d*) G.S.R. 981 dated the 27th August, 1960 making certain amendments to Schedule III to the Indian Police Service (Pay) Rules, 1954 . .

REPORT OF BUSINESS ADVISORY COMMITTEE ADOPTED. 3596

Fifty-eighth Report was adopted.

BILL UNDER CONSIDERATION 3597—3675

Further discussion on the motion to consider the Preventive Detention (Continuance) Bill and the amendments for circultion of the Bill for eliciting aopinion thereon and for reference of the Bill to a Select Committee, moved on the 1st December, 1960 continued. The discussion was not concluded. . .

REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS ADOPTED.

Seventy-third Report was adopted. 3675

COLUMNS

PRIVATE MEMBERS' RESOLUTION UNDER DISCUSSION 3675—3730

(1) Further discussion on the Resolution re : Nationalisation of General Insurance continued. Shri T. B. Vittal Rao replied to the Debate. Voting on the Resolution was postponed till Friday, the 16th December, 1960. . . .

(2) Shri Bibhuti Mishra moved the Resolution *re*. New Marking System of Voting. The discussion was not concluded. . . .

COLUMNS

AGENDA FOR MONDAY, DECEMBER 5, 1960/ AGRAHAYANA 14, 1882 (Saka)

Further discussion on the motion to consider and passing of the Preventive Detention (Continuance) Bill, discussion and voting on the Demands for Supplementary Grants (Railways), 1960-61 and discussion on the Report of Railway Convention Committee.

GMGIPND—LSII—1449(Ai)LS—9-12-60—901.